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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF HOMELAND SECURITY

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Coast Guard

33 CFR Part 27

Transportation Security Administration

49 CFR Part 1503

[Docket No. DHS–2016–0034]

RIN 1601–AA80

Civil Monetary Penalty Adjustments for Inflation

AGENCY: Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This Final Rule finalizes the Department of Homeland Security's (DHS) Interim Final Rule that adjusted DHS civil monetary penalties for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) was signed into law on November 2, 2015. Using the formula in the 2015 Act and guidance from the Office of Management and Budget (OMB), DHS calculated adjusted penalties. On July 1, 2016, DHS published an Interim Final Rule setting forth the adjusted civil penalty amounts, effective for civil penalties assessed after August 1, 2016 whose associated violations occurred after November 2, 2015.

Pursuant to the 2015 Act, all agencies must adjust civil monetary penalties annually and publish the adjustment in the **Federal Register**. Accordingly, this Final Rule adjusts DHS's civil monetary penalties pursuant to the 2015 Act and OMB guidance. The new penalties will be effective for penalties assessed after

January 27, 2017 whose associated violations occurred after November 2, 2015. DHS also announces that it will make its required annual adjustment of civil monetary penalties in future years by publication of a Final Rule notwithstanding the notice and comment provisions of the Administrative Procedure Act.

DATES: This rule is effective on January 27, 2017.

FOR FURTHER INFORMATION CONTACT:

Megan Westmoreland, Attorney-Advisor, Office of the General Counsel, U.S. Department of Homeland Security. Phone: 202–447–4384.

SUPPLEMENTARY INFORMATION:

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I. Statutory and Regulatory Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74 section 701 (Nov. 2, 2105)) (2015 Act).¹ The 2015 Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act required agencies to: (1) Adjust the level of civil monetary penalties with an initial “catch-up” adjustment through issuance of an Interim Final Rule (IFR) and (2) make subsequent annual adjustments for inflation. Through the “catch-up” adjustment, agencies were required to adjust the maximum amounts of civil monetary penalties to more accurately reflect inflation rates. The 2015 Act required that agencies

publish their IFRs in the **Federal Register** no later than July 1, 2016 and that the adjusted amounts were to take effect no later than August 1, 2016.

For the subsequent annual adjustments, the 2015 Act requires agencies to increase the penalty amounts by a cost-of-living adjustment. The 2015 Act directs OMB to provide guidance to agencies each year to assist agencies in making the annual adjustments. The 2015 Act requires agencies to make the annual adjustments no later than January 15 of each year and to publish the adjustments in the **Federal Register**.

Pursuant to the 2015 Act, DHS undertook a review of the civil penalties that DHS and its components administer.² On July 1, 2016, DHS published an IFR adjusting the civil monetary penalties with an initial “catch-up” adjustment, as required by the 2015 Act. *See* 81 FR 42987. DHS calculated the adjusted penalties based upon nondiscretionary provisions in the 2015 Act and upon guidance that OMB issued to agencies on February 25, 2016.³ The adjusted penalties were effective for civil penalties assessed after August 1, 2016 (the effective date of the IFR) whose associated violations occurred after November 2, 2015 (the date of enactment of the 2015 Act). DHS published a correction to the IFR on August 23, 2016 to correct one amendatory instruction. *See* 81 FR 57442.

II. Overview of the Final Rule

This rule adopts, as final, the civil monetary penalty adjustment methodology that DHS announced in the IFR. This Final Rule also makes the 2017 annual inflation adjustment pursuant to the 2015 Act and pursuant to guidance OMB issued to agencies on

² The 2015 Act applies to all agency civil penalties except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*) and the Tariff Act of 1930 (19 U.S.C. 1202 *et seq.*). *See* sec. 4(a)(1) of the 2015 Act. In the case of DHS, several civil penalties that are collected by U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard fall under the Tariff Act of 1930, and thus DHS did not adjust those civil penalties in this rulemaking.

³ OMB, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Table A, 24 February 2016. <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-06.pdf>.

¹ The 2015 Act was enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015).

December 16, 2016.⁴ Where applicable, we have finalized conforming edits to regulatory text. The penalty amounts in this Final Rule will be effective for penalties assessed after January 27, 2017 where the associated violation occurred after November 2, 2015. Consistent with OMB guidance, the 2015 Act does not change previously assessed penalties that the agency is actively collecting or has collected.

The IFR established the initial “catch-up” adjustment for all civil penalties that DHS and its components administer. This Final Rule makes the next adjustment to the amounts, pursuant to the 2015 Act and upon OMB guidance. The adjusted penalty amounts will apply to penalties assessed after the effective date of this Final Rule. We discuss civil penalties by DHS component in Section III below. For each component identified in

Section III, below, we briefly describe the relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2017. In the table for each component, we show (1) the penalty name, (2) the penalty statutory and/or regulatory citation, (3) the penalty amount as adjusted in the IFR, (4) the cost-of-living adjustment multiplier for 2017 that OMB provided in its December 16, 2016 guidance, and (5) the new 2017 adjusted penalty. For a more complete discussion of the method used for calculating the initial “catch-up” inflation adjustments and a component-by-component breakdown to the nature of the civil penalties and relevant legal authorities, please see the IFR preamble at 81 FR 42987–43000.

III. Adjustments by Component

In the following sections, we briefly describe the civil penalties that DHS and its components assess. We include

tables at the end of each section, which list the individual adjustments for each penalty.

A. National Protection and Programs Directorate

The National Protection and Programs Directorate (NPPD) administers only one civil penalty that the 2015 Act affects. That penalty assesses fines for violations of the Chemical Facility Anti-Terrorism Standards (CFATS). CFATS is a program that regulates the security of chemical facilities that, in the discretion of the Secretary, present high levels of security risk. DHS established the CFATS program in 2007 pursuant to section 550 of the Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109–295).⁵ The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR).

TABLE 1—CFATS CIVIL PENALTY ADJUSTMENT

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier*	New penalty as adjusted by this final rule
Penalty for non-compliance with CFATS regulations.	6 U.S.C. 624(b)(1); 6 CFR 27.300(b)(3)	\$32,796 per day	1.01636	\$33,333

*OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

B. U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) assesses civil monetary penalties for certain violations of title 8 of the CFR regarding the Immigration and Nationality Act of 1952 (Pub. L. 82–414, as amended) (INA). The INA contains

provisions that impose penalties on persons, including carriers and aliens, who violate specified provisions of the INA. CBP’s relevant penalty provisions are located in numerous sections of the INA, however CBP has enumerated these penalties in regulation in one location—in 8 CFR 280.53. For a

complete list of the INA sections for which penalties are assessed, in addition to a brief description of each violation, see the IFR preamble at 81 FR 42989–42990. Below is a table showing the 2017 adjustment for the penalties that CBP administers.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier*	New penalty as adjusted by this final rule
Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States.	8 U.S.C. 1221(g); 8 CFR 280.53(c)(1) (INA section 231(g)).	\$1,312	1.01636	\$1,333
Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens.	8 U.S.C. 1224; 8 CFR 280.53(c)(2) (INA section 234).	3,563	1.01636	3,621

⁴ OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf (last accessed Dec. 21, 2016).

⁵ Section 550 has since been superseded by the Protecting and Securing Chemical Facilities from

Terrorist Attacks Act of 2014 (Pub. L. 113–254). The new legislation codified the statutory authority for the CFATS program within Title XXI of the Homeland Security Act of 2002, as amended. See 6 U.S.C. 621 *et seq.*

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier*	New penalty as adjusted by this final rule
Penalties for failure to depart voluntarily.	8 U.S.C. 1229c(d); 8 CFR 280.53(c)(3) (INA section 240B(d)).	1,502–7,512	1.01636	1,527–7,635
Penalties for violations of removal orders relating to aliens transported on vessels or aircraft under section 241(d) of the INA, or for costs associated with removal under section 241(e) of the INA.	8 U.S.C. 1253(c)(1)(A); 8 CFR 280.53(c)(4) (INA section 243(c)(1)(A)).	3,005	1.01636	3,054
Penalties for failure to remove alien stowaways under section 241(d)(2) of the INA.	8 U.S.C. 1253(c)(1)(B); 8 CFR 280.53(c)(4) (INA section 243(c)(1)(B)).	7,512	1.01636	7,635
Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(c)(5) (INA section 251(d)).	356 for each alien	1.01636	362 for each alien
Penalties for use of alien crewmen for longshore work in violation of section 251(d) of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(c)(5) (INA section 251(d)).	8,908	1.01636	9,054
Penalties for failure to control, detain, or remove alien crewmen.	8 U.S.C. 1284(a); 8 CFR 280.53(c)(6) (INA section 254(a)).	891–5,345	1.01636	906–5,432
Penalties for employment on passenger vessels of aliens afflicted with certain disabilities.	8 U.S.C. 1285; 8 CFR 280.53(c)(7) (INA section 255).	1,782	1.01636	1,811
Penalties for discharge of alien crewmen.	8 U.S.C. 1286; 8 CFR 280.53(c)(8) (INA section 256).	2,672–5,345	1.01636	2,716–5,432
Penalties for bringing into the United States alien crewmen with intent to evade immigration laws.	8 U.S.C. 1287; 8 CFR 280.53(c)(9) (INA section 257).	17,816	1.01636	18,107
Penalties for failure to prevent the unauthorized landing of aliens.	8 U.S.C. 1321(a); 8 CFR 280.53(c)(10) (INA section 271(a)).	5,345	1.01636	5,432
Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground.	8 U.S.C. 1322(a); 8 CFR 280.53(c)(11) (INA section 272(a)).	5,345	1.01636	5,432
Penalties for bringing to the United States aliens without required documentation.	8 U.S.C. 1323(b); 8 CFR 280.53(c)(12) (INA section 273(b)).	5,345	1.01636	5,432
Penalties for failure to depart	8 U.S.C. 1324d; 8 CFR 280.53(c)(13) (INA section 274D).	751	1.01636	763
Penalties for improper entry ...	8 U.S.C. 1325(b); 8 CFR 280.53(c)(14) (INA section 275(b)).	75–376	1.01636	76–382

* OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

C. U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) assesses civil monetary penalties for certain employment-related violations arising from the INA. ICE's civil penalties are located in title 8 of the CFR.

There are three different sections in the INA that impose civil monetary penalties for violations of the laws that relate to employment actions: Sections 274A, 274B, and 274C. ICE has primary enforcement responsibilities for two of these civil penalty provisions (sections 274A and 274C), and the Department of Justice (DOJ) has enforcement

responsibilities for one of these civil penalty provisions (section 274B). The INA, in sections 274A and 274C, provides for imposition of civil penalties for various specified unlawful acts pertaining to the employment eligibility verification process (Form I-9, Employment Eligibility Verification)

and the employment of unauthorized aliens.

Because both DHS and DOJ implement the three employment-related penalty sections in the INA, both

Departments are codifying the civil penalty amounts in their implementing regulations. For a complete description of the civil money penalties assessed and a discussion of DHS's and DOJ's

efforts to update the penalties in years past, see the IFR preamble at 81 FR 42991. Below is a table showing the 2017 adjustment for the penalties that ICE administers.

TABLE 3—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(1)–(a)(4), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(A)	\$445–\$3,563	1.01636	\$452–\$3,621
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(5)–(a)(6), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(B)	376–3,005	1.01636	382–3,054
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(1)–(a)(4), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(C)	3,563–8,908	1.01636	3,621–9,054
Civil penalties for violation of Immigration and Naturalization Act (INA) sections 274C(a)(5)–(a)(6), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(D)	3,005–7,512	1.01636	3,054–7,635
Violation/prohibition of indemnity bonds	8 CFR 274a.8(b)	2,156	1.01636	2,191
Civil penalties for knowingly hiring, recruiting, referral, or retention of unauthorized aliens—Penalty for first offense (per unauthorized alien).	8 CFR 274a.10(b)(1)(ii)(A)	539–4,313	1.01636	548–4,384
Penalty for second offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(B)	4,313–10,781	1.01636	4,384–10,957
Penalty for third or subsequent offense (per unauthorized alien).	8 CFR 274a.10(b)(1)(ii)(C)	6,469–21,563	1.01636	6,575–21,916
Civil penalties for I–9 paperwork violations	8 CFR 274a.10(b)(2)	216–2,156	1.01636	220–2,191

*OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

D. U.S. Coast Guard

The Coast Guard is authorized to assess close to 150 penalties involving maritime safety and security and environmental stewardship that are critical to the continued success of Coast Guard missions. Various statutes in titles 14, 16, 19, 33, 42, 46, and 49 of the United States Code authorize these penalties. Titles 33 and 46 authorize the vast majority of these penalties as these statutes deal with navigation, navigable waters, and shipping. Beyond titles 33 and 46, the Coast Guard is also authorized to collect civil monetary penalties related to the organization and management of the

Coast Guard, aquatic species conservation, obstruction of revenue, and hazardous substances and materials. For a complete discussion of the civil monetary penalties assessed by the Coast Guard, see the IFR preamble at 81 FR 42992.

The Coast Guard has identified the penalties it administers, adjusted those penalties for inflation, and is listing those new penalties in a table located in the CFR—specifically, Table 1 in 33 CFR 27.3. Table 1 in 33 CFR 27.3 identifies the statutes that provide the Coast Guard with civil monetary penalty authority and sets out the inflation-adjusted maximum penalty that the Coast Guard may impose pursuant to

each statutory provision. Table 1 in 33 CFR 27.3 provides the current maximum penalty for violations that occurred after November 2, 2015. The applicable civil penalty amounts for violations occurring on or before November 2, 2015 are set forth in previously published regulations amending 33 CFR part 27. To find the applicable penalty amount for a violation that occurred on or before November 2, 2015, look to the prior versions of the CFR that pertain to the date on which the violation occurred. Table 4 below shows the 2017 adjustment for the penalties that the Coast Guard administers.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Saving Life and Property	14 U.S.C. 88(c)	\$10,017	1.01636	\$10,181
Saving Life and Property; Intentional Interference with Broadcast.	14 U.S.C. 88(e)	1,028	1.01636	1,045
Confidentiality of Medical Quality Assurance Records (first offense).	14 U.S.C. 645(i); 33 CFR 27.3	5,032	1.01636	5,114
Confidentiality of Medical Quality Assurance Records (subsequent offenses).	14 U.S.C. 645(i); 33 CFR 27.3	33,546	1.01636	34,095
Aquatic Nuisance Species in Waters of the United States.	16 U.S.C. 4711(g)(1); 33 CFR 27.3	37,561	1.01636	38,175

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Obstruction of Revenue Officers by Masters of Vessels.	19 U.S.C. 70; 33 CFR 27.3	7,500	1.01636	7,623
Obstruction of Revenue Officers by Masters of Vessels-Minimum Penalty.	19 U.S.C. 70; 33 CFR 27.3	1,750	1.01636	1,779
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge.	19 U.S.C. 1581(d)	** 5,000	N/A	** 5,000
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge-Minimum Penalty.	19 U.S.C. 1581(d)	** 1,000	N/A	** 1,000
Anchorage Ground/Harbor Regulations General.	33 U.S.C. 471; 33 CFR 27.3	10,875	1.01636	11,053
Anchorage Ground/Harbor Regulations St. Mary's river.	33 U.S.C. 474; 33 CFR 27.3	750	1.01636	762
Bridges/Failure to Comply with Regulations ...	33 U.S.C. 495(b); 33 CFR 27.3	27,455	1.01636	27,904
Bridges/Drawbridges	33 U.S.C. 499(c); 33 CFR 27.3	27,455	1.01636	27,904
Bridges/Failure to Alter Bridge Obstructing Navigation.	33 U.S.C. 502(c); 33 CFR 27.3	27,455	1.01636	27,904
Bridges/Maintenance and Operation	33 U.S.C. 533(b); 33 CFR 27.3	27,455	1.01636	27,904
Bridge to Bridge Communication; Master, Person in Charge or Pilot.	33 U.S.C. 1208(a); 33 CFR 27.3	2,000	1.01636	2,033
Bridge to Bridge Communication; Vessel	33 U.S.C. 1208(b); 33 CFR 27.3	2,000	1.01636	2,033
PWSA Regulations	33 U.S.C. 1232(a); 33 CFR 27.3	88,613	1.01636	90,063
Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge.	33 U.S.C. 1236(b); 33 CFR 27.3	8,908	1.01636	9,054
Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel.	33 U.S.C. 1236(c); 33 CFR 27.3	8,908	1.01636	9,054
Vessel Navigation: Regattas or Marine Parades; Other Persons.	33 U.S.C. 1236(d); 33 CFR 27.3	4,454	1.01636	4,527
Oil/Hazardous Substances: Discharges (Class I per violation).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	17,816	1.01636	18,107
Oil/Hazardous Substances: Discharges (Class I total under paragraph).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Discharges (Class II per day of violation).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3	17,816	1.01636	18,107
Oil/Hazardous Substances: Discharges (Class II total under paragraph).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3	222,695	1.01636	226,338
Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3	1,782	1.01636	1,811
Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	33 U.S.C. 1321(b)(7)(B); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	33 U.S.C. 1321(b)(7)(C); 33 CFR 27.3	44,539	1.01636	45,268
Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3	5,345	1.01636	5,432
Oil/Hazardous Substances: Discharges, Gross Negligence-Minimum Penalty (Judicial Assessment).	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3	178,156	1.01636	181,071
Marine Sanitation Devices; Operating	33 U.S.C. 1322(j); 33 CFR 27.3	7,500	1.01636	7,623
Marine Sanitation Devices; Sale or Manufacture.	33 U.S.C. 1322(j); 33 CFR 27.3	20,000	1.01636	20,327
International Navigation Rules; Operator	33 U.S.C. 1608(a); 33 CFR 27.3	14,023	1.01636	14,252
International Navigation Rules; Vessel	33 U.S.C. 1608(b); 33 CFR 27.3	14,023	1.01636	14,252
Pollution from Ships; General	33 U.S.C. 1908(b)(1); 33 CFR 27.3	70,117	1.01636	71,264
Pollution from Ships; False Statement	33 U.S.C. 1908(b)(1); 33 CFR 27.3	14,023	1.01636	14,252
Inland Navigation Rules; Operator	33 U.S.C. 2072(a); 33 CFR 27.3	14,023	1.01636	14,252
Inland Navigation Rules; Vessel	33 U.S.C. 2072(b); 33 CFR 27.3	14,023	1.01636	14,252
Shore Protection; General	33 U.S.C. 2609(a); 33 CFR 27.3	49,467	1.01636	50,276
Shore Protection; Operating Without Permit ..	33 U.S.C. 2609(b); 33 CFR 27.3	19,787	1.01636	20,111
Oil Pollution Liability and Compensation	33 U.S.C. 2716a(a); 33 CFR 27.3	44,539	1.01636	45,268
Clean Hulls	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3	40,779	1.01636	41,446
Clean Hulls-related to false statements	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3	54,373	1.01636	55,263
Clean Hulls-Recreational Vessel	33 U.S.C. 3852(c); 33 CFR 27.3	5,437	1.01636	5,526

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Hazardous Substances, Releases, Liability, Compensation (Class I).	42 U.S.C. 9609(a); 33 CFR 27.3	53,907	1.01636	54,789
Hazardous Substances, Releases, Liability, Compensation (Class II).	42 U.S.C. 9609(b); 33 CFR 27.3	53,907	1.01636	54,789
Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	42 U.S.C. 9609(b); 33 CFR 27.3	161,721	1.01636	164,367
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	42 U.S.C. 9609(c); 33 CFR 27.3	53,907	1.01636	54,789
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	42 U.S.C. 9609(c); 33 CFR 27.3	161,721	1.01636	164,367
Safe Containers for International Cargo	46 U.S.C. App 1505(a)(2) (codified as 46 USC 80509); 33 CFR 27.3	5,893	1.01636	5,989
Suspension of Passenger Service	46 U.S.C. App 1805(c)(2) (codified 46 USC 70305); 33 CFR 27.3	58,929	1.01636	59,893
Vessel Inspection or Examination Fees	46 U.S.C. 2110(e); 33 CFR 27.3	8,908	1.01636	9,054
Alcohol and Dangerous Drug Testing	46 U.S.C. 2115; 33 CFR 27.3	7,251	1.01636	7,370
Negligent Operations: Recreational Vessels ..	46 U.S.C. 2302(a); 33 CFR 27.3	6,559	1.01636	6,666
Negligent Operations: Other Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	32,796	1.01636	33,333
Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	46 U.S.C. 2302(c)(1); 33 CFR 27.3	7,251	1.01636	7,370
Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	46 U.S.C. 2306(a)(4); 33 CFR 27.3	11,293	1.01636	11,478
Vessel Reporting Requirements: Master	46 U.S.C. 2306(b)(2); 33 CFR 27.3	2,259	1.01636	2,296
Immersion Suits	46 U.S.C. 3102(c)(1); 33 CFR 27.3	11,293	1.01636	11,478
Inspection Permit	46 U.S.C. 3302(i)(5); 33 CFR 27.3	2,355	1.01636	2,394
Vessel Inspection; General	46 U.S.C. 3318(a); 33 CFR 27.3	11,293	1.01636	11,478
Vessel Inspection; Nautical School Vessel	46 U.S.C. 3318(g); 33 CFR 27.3	11,293	1.01636	11,478
Vessel Inspection; Failure to Give Notice IAW 3304(b).	46 U.S.C. 3318(h); 33 CFR 27.3	2,259	1.01636	2,296
Vessel Inspection; Failure to Give Notice IAW 3309(c).	46 U.S.C. 3318(i); 33 CFR 27.3	2,259	1.01636	2,296
Vessel Inspection; Vessel ≥ 1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3	22,587	1.01636	22,957
Vessel Inspection; Vessel < 1600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3	4,517	1.01636	4,591
Vessel Inspection; Failure to Comply with 3311(b).	46 U.S.C. 3318(k); 33 CFR 27.3	22,587	1.01636	22,957
Vessel Inspection; Violation of 3318(b)–3318(f).	46 U.S.C. 3318(l); 33 CFR 27.3	11,293	1.01636	11,478
List/count of Passengers	46 U.S.C. 3502(e); 33 CFR 27.3	235	1.01636	239
Notification to Passengers	46 U.S.C. 3504(c); 33 CFR 27.3	23,548	1.01636	23,933
Notification to Passengers; Sale of Tickets	46 U.S.C. 3504(c); 33 CFR 27.3	1,177	1.01636	1,196
Copies of Laws on Passenger Vessels; Master.	46 U.S.C. 3506; 33 CFR 27.3	471	1.01636	479
Liquid Bulk/Dangerous Cargo	46 U.S.C. 3718(a)(1); 33 CFR 27.3	58,871	1.01636	59,834
Uninspected Vessels	46 U.S.C. 4106; 33 CFR 27.3	9,893	1.01636	10,055
Recreational Vessels (maximum for related series of violations).	46 U.S.C. 4311(b)(1); 33 CFR 27.3	311,470	1.01636	316,566
Recreational Vessels; Violation of 4307(a)	46 U.S.C. 4311(b)(1); 33 CFR 27.3	6,229	1.01636	6,331
Recreational vessels	46 U.S.C. 4311(c); 33 CFR 27.3	2,355	1.01636	2,394
Uninspected Commercial Fishing Industry Vessels.	46 U.S.C. 4507; 33 CFR 27.3	9,893	1.01636	10,055
Abandonment of Barges	46 U.S.C. 4703; 33 CFR 27.3	1,677	1.01636	1,704
Load Lines	46 U.S.C. 5116(a); 33 CFR 27.3	10,781	1.01636	10,957
Load Lines; Violation of 5112(a)	46 U.S.C. 5116(b); 33 CFR 27.3	21,563	1.01636	21,916
Load Lines; Violation of 5112(b)	46 U.S.C. 5116(c); 33 CFR 27.3	10,781	1.01636	10,957
Reporting Marine Casualties	46 U.S.C. 6103(a); 33 CFR 27.3	37,561	1.01636	38,175
Reporting Marine Casualties; Violation of 6104.	46 U.S.C. 6103(b); 33 CFR 27.3	9,893	1.01636	10,055
Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	46 U.S.C. 8101(e); 33 CFR 27.3	1,782	1.01636	1,811
Manning of Inspected Vessels	46 U.S.C. 8101(f); 33 CFR 27.3	17,816	1.01636	18,107
Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	46 U.S.C. 8101(g); 33 CFR 27.3	17,816	1.01636	18,107
Manning of Inspected Vessels; Freight Vessel < 100 GT, Small Passenger Vessel, or Sailing School Vessel.	46 U.S.C. 8101(h); 33 CFR 27.3	2,355	1.01636	2,394
Watchmen on Passenger Vessels	46 U.S.C. 8102(a)	2,355	1.01636	2,394
Citizenship Requirements	46 U.S.C. 8103(f)	1,177	1.01636	1,196

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier *	New penalty as adjusted by this final rule
Watches on Vessels; Violation of 8104(a) or (b).	46 U.S.C. 8104(i)	17,816	1.01636	18,107
Watches on Vessels; Violation of 8104(c), (d), (e), or (h).	46 U.S.C. 8104(j)	17,816	1.01636	18,107
Staff Department on Vessels	46 U.S.C. 8302(e)	235	1.01636	239
Officer's Competency Certificates	46 U.S.C. 8304(d)	235	1.01636	239
Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 8502(e)	17,816	1.01636	18,107
Coastwise Pilotage; Individual	46 U.S.C. 8502(f)	17,816	1.01636	18,107
Federal Pilots	46 U.S.C. 8503	56,467	1.01636	57,391
Merchant Mariners Documents	46 U.S.C. 8701(d)	1,177	1.01636	1,196
Crew Requirements	46 U.S.C. 8702(e)	17,816	1.01636	18,107
Small Vessel Manning	46 U.S.C. 8906	37,561	1.01636	38,175
Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	46 U.S.C. 9308(a)	17,816	1.01636	18,107
Pilotage: Great Lakes; Individual	46 U.S.C. 9308(b)	17,816	1.01636	18,107
Pilotage: Great Lakes; Violation of 9303	46 U.S.C. 9308(c)	17,816	1.01636	18,107
Failure to Report Sexual Offense	46 U.S.C. 10104(b)	9,468	1.01636	9,623
Pay Advances to Seamen	46 U.S.C. 10314(a)(2)	1,177	1.01636	1,196
Pay Advances to Seamen; Remuneration for Employment.	46 U.S.C. 10314(b)	1,177	1.01636	1,196
Allotment to Seamen	46 U.S.C. 10315(c)	1,177	1.01636	1,196
Seamen Protection; General	46 U.S.C. 10321	8,162	1.01636	8,296
Coastwise Voyages: Advances	46 U.S.C. 10505(a)(2)	8,162	1.01636	8,296
Coastwise Voyages: Advances; Remuneration for Employment.	46 U.S.C. 10505(b)	8,162	1.01636	8,296
Coastwise Voyages: Seamen Protection; General.	46 U.S.C. 10508(b)	8,162	1.01636	8,296
Effects of Deceased Seamen	46 U.S.C. 10711	471	1.01636	479
Complaints of Unfitness	46 U.S.C. 10902(a)(2)	1,177	1.01636	1,196
Proceedings on Examination of Vessel	46 U.S.C. 10903(d)	235	1.01636	239
Permission to Make Complaint	46 U.S.C. 10907(b)	1,177	1.01636	1,196
Accommodations for Seamen	46 U.S.C. 11101(f)	1,177	1.01636	1,196
Medicine Chests on Vessels	46 U.S.C. 11102(b)	1,177	1.01636	1,196
Destitute Seamen	46 U.S.C. 11104(b)	235	1.01636	239
Wages on Discharge	46 U.S.C. 11105(c)	1,177	1.01636	1,196
Log Books; Master Failing to Maintain	46 U.S.C. 11303(a)	471	1.01636	479
Log Books; Master Failing to Make Entry	46 U.S.C. 11303(b)	471	1.01636	479
Log Books; Late Entry	46 U.S.C. 11303(c)	353	1.01636	359
Carrying of Sheath Knives	46 U.S.C. 11506	118	1.01636	120
Vessel Documentation	46 U.S.C. 12151(a)(1)	15,423	1.01636	15,675
Documentation of Vessels—Related to Activities involving mobile offshore drilling units.	46 U.S.C. 12151 (a)(2)	25,705	1.01636	26,126
Vessel Documentation; Fishery Endorsement	46 U.S.C. 12151(c)	117,858	1.01636	119,786
Numbering of Undocumented Vessels—Willful violation.	46 U.S.C. 12309(a)	11,774	1.01636	11,967
Numbering of Undocumented Vessels	46 U.S.C. 12309(b)	2,355	1.01636	2,394
Vessel Identification System	46 U.S.C. 12507(b)	19,787	1.01636	20,111
Measurement of Vessels	46 U.S.C. 14701	43,126	1.01636	43,832
Measurement; False Statements	46 U.S.C. 14702	43,126	1.01636	43,832
Commercial Instruments and Maritime Liens	46 U.S.C. 31309	19,787	1.01636	20,111
Commercial Instruments and Maritime Liens; Mortgagor.	46 U.S.C. 31330(a)(2)	19,787	1.01636	20,111
Commercial Instruments and Maritime Liens; Violation of 31329.	46 U.S.C. 31330(b)(2)	49,467	1.01636	50,276
Port Security	46 U.S.C. 70119(a)	32,796	1.01636	33,333
Port Security—Continuing Violations	46 U.S.C. 70119(b)	58,929	1.01636	59,893
Maritime Drug Law Enforcement	46 U.S.C. 70506(c)	5,437	1.01636	5,526
Hazardous Materials: Related to Vessels	49 U.S.C. 5123(a)(1)	77,114	1.01636	78,376
Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or substantial Damage to Property.	49 U.S.C. 5123(a)(2)	179,933	1.01636	182,877
Hazardous Materials: Related to Vessels; Training.	49 U.S.C. 5123(a)(3)	463	1.01636	471

* OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

** Exempt as under the Tariff Act.

E. Transportation Security Administration

The Transportation Security Administration (TSA) is updating its civil penalties regulation in accordance with the 2015 Act. Pursuant to its statutory authority in 49 U.S.C. 114(v), TSA may impose penalties for

violations of any statute that TSA administers, whether an implementing regulation or order imposes the penalty.⁶ TSA assesses these penalties for a wide variety of aviation and surface security requirements, including violations of TSA's requirements applicable to Transportation Worker Identification Credentials (TWIC),⁷ as

well as violations of requirements described in chapter 449 of title 49 of the United States Code. These penalties can apply to a wide variety of situations, as described in the statutory and regulatory provisions, as well as in guidance that TSA publishes. Below is a table showing the 2017 adjustment for the penalties that TSA administers.

TABLE 5—TRANSPORTATION SECURITY ADMINISTRATION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2016 IFR	Multiplier*	New penalty as adjusted by this final rule
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by a person operating an aircraft for the transportation of passengers or property for compensation.	49 U.S.C. 46301(a)(1), (4); 49 CFR 1503.401(c)(2).	\$32,140 (up to a total of \$514,244 per civil penalty action).	1.01636	\$32,666 (up to a total of \$522,657 per civil penalty action).
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by an individual (except an airman serving as an airman), any person not operating an aircraft for the transportation of passengers or property for compensation, or a small business concern.	49 U.S.C. 46301(a)(1), (4); 49 CFR 1503.401(c)(1).	\$12,856 (up to a total of \$64,281 total for small businesses, \$514,244 for others).	1.01636	\$13,066 (up to a total of \$65,333 total for small business, \$522,657 for others).
Violation of any other provision of title 49 U.S.C. or of 46 U.S.C. ch. 701, a regulation prescribed, or order issued thereunder.	49 U.S.C. 114(v); 49 CFR 1503.401(b).	\$11,002 (up to a total of \$55,010 total for small businesses, \$440,080 for others).	1.01636	\$11,182 (up to a total of \$55,910 total for small businesses, \$447,280 for others).

* OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

IV. Discussion of Public Comments

DHS did not receive any public comments on the IFR.

V. Administrative Procedure Act

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** (5 U.S.C. 553(b)) and to provide interested persons with the opportunity to submit comments (5 U.S.C. 553(c)). The APA also requires agencies to provide a delayed effective date (of not less than 30 days) for substantive rules. 5 U.S.C. 553(d). The APA, however, provides an exception to the notice and public comment requirements where the “agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to public interest.” 5 U.S.C. 553(b)(B).

As discussed in the preamble to the IFR, DHS issued the IFR pursuant to the

“good cause” exception in the APA. With respect to this Final Rule and future required annual adjustments, the 2015 Act, specifically instructed that agencies are to make the required annual adjustments notwithstanding section 553 of title 5 of the United States Code.

DHS is promulgating this Final Rule to ensure that the amount of civil penalties that DHS assesses or enforces reflects the statutorily mandated ranges as adjusted for inflation. The 2015 Act provides a clear formula for adjustment of the civil penalties, leaving DHS and its components with little room for discretion. DHS and its components have been charged only with performing ministerial computations to determine the amounts of adjustments for inflation to civil monetary penalties. Accordingly, and as specified in the 2015 Act, the prior public notice and comment procedures and delayed

effective date requirements of the APA do not apply to this rule.

As described in Section I above, the 2015 Act requires agencies to make annual adjustments to civil monetary penalties no later than January 15 of each year and to publish the adjustments in the **Federal Register**. DHS intends to make future annual inflation adjustments by publication of a Final Rule, notwithstanding section 553 of title 5 of the United States Code including the notice-and-comment and delayed effective date requirements of the APA. In future annual adjustments, DHS will merely need to update the penalty amounts by applying the cost-of-living adjustment multiplier that OMB provides to agencies. Accordingly, DHS will publish a Final Rule, notwithstanding section 553 of title 5 of the United States Code, that provides a table with the adjusted penalty amounts

⁶ See 49 U.S.C. 114(v), as amended by sec. 1302 of the Implementing Recommendations of the 9/11

Commission Act of 2007 (Pub. L. 110–53, 121 Stat. 266 (Aug. 3, 2007)).

⁷ See, e.g., 46 U.S.C. 70105, 49 U.S.C. 46302 and 46303, and U.S.C. ch. 449.

and that updates the numbers in the regulatory text accordingly.

VI. Regulatory Analyses

A. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. OMB has not designated this Final Rule a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this rule.

This Final Rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the 2015 Act and OMB guidance.⁸ DHS therefore did not consider alternatives and does not have the flexibility to alter the adjustments of the civil monetary penalty amounts as provided in this rule. To the extent this Final Rule increases civil monetary penalties, it would result in an increase in transfers from persons or entities assessed a civil monetary penalty to the government.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). See 5 U.S.C. 601–612. The Regulatory Flexibility Act does not apply to this Final Rule, because a notice of proposed rulemaking was not required for the reasons stated above.

C. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. This Final Rule will not result in such an expenditure.

⁸ OMB, Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, December 16, 2016. https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

D. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this Final Rule, because this Final Rule does not trigger any new or revised recordkeeping or reporting.

List of Subjects

6 CFR Part 27

Reporting and recordkeeping requirements, Security measures.

8 CFR Part 270

Administrative practice and procedure, Aliens, Employment, Fraud, Penalties.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

8 CFR Part 280

Administrative practice and procedure, Immigration, Penalties.

33 CFR Part 27

Administrative practice and procedure, Penalties.

49 CFR Part 1503

Administrative practice and procedure, Investigations, Law enforcement, Penalties.

Amendments to the Regulations

Accordingly, for the reasons stated in the preamble, the interim rule amending 6 CFR part 27, 8 CFR parts 270, 274a, and 280, 33 CFR part 27, and 49 CFR part 1503, which was published at 81 FR 42987 on July 1, 2016, is adopted as a final rule with the following changes:

Title 6—Domestic Security

PART 27—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

■ 1. The authority citation for part 27 continues to read as follows:

Authority: 6 U.S.C. 624; Public Law 101–410, 104 Stat. 890, as amended by Public Law 114–74, 129 Stat. 599.

■ 2. In § 27.300, revise paragraph (b)(3) to read as follows:

§ 27.300 Orders.

* * * * *

(b) * * *

(3) Where the Assistant Secretary determines that a facility is in violation of an Order issued pursuant to paragraph (a) of this section and issues an Order Assessing Civil Penalty pursuant to paragraph (b)(1) of this

section, a chemical facility is liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues, if the violation of the Order occurred on or before November 2, 2015, or \$33,333 for each day during which the violation of the Order continues, if the violation occurred after November 2, 2015.

* * * * *

Title 8—Aliens and Nationality

PART 270—PENALTIES FOR DOCUMENT FRAUD

■ 3. The authority citation for part 270 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, and 1324c; Public Law 101–410, 104 Stat. 890, as amended by Public Law 104–134, 110 Stat. 1321 and Public Law 114–74, 129 Stat. 599.

■ 4. In § 270.3, revise paragraphs (b)(1)(ii)(A), (B), (C), and (D) to read as follows:

§ 270.3 Penalties.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) *First offense under section 274C(a)(1) through (a)(4).* Not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$375 and not exceeding \$3,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act on or after March 27, 2008 and on or before November 2, 2015; and not less than \$452 and not exceeding \$3,621 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(B) *First offense under section 274C(a)(5) or (a)(6).* Not less than \$250 and not exceeding \$2,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act on or after March 27, 2008 and on or before November 2, 2015; and not less than \$382 and not exceeding \$3,054 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

(C) *Subsequent offenses under section 274C(a)(1) through (a)(4).* Not less than \$2,200 and not more than \$5,500 for each fraudulent document or each

proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$3,200 and not exceeding \$6,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,621 and not more than \$9,054 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(D) *Subsequent offenses under section 274C(a)(5) or (a)(6)*. Not less than \$2,000 and not more than \$5,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$2,200 and not exceeding \$5,500 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,054 and not more than \$7,635 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

* * * * *

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Public Law 101–410, 104 Stat. 890, as amended by Public Law 114–74, 129 Stat. 599.

■ 6. In § 274a.8, revise paragraph (b) to read as follows:

§ 274a.8 Prohibition of indemnity bonds.

* * * * *

(b) *Penalty*. Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil monetary penalty of \$1,000 for each violation before September 29, 1999, of \$1,100 for each violation occurring on or after September 29, 1999 but on or before November 2, 2015, and of \$2,191 for each violation occurring after November 2, 2015, and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

■ 7. In § 274a.10, revise paragraphs (b)(1)(ii)(A), (B), and (C) and (b)(2) to read as follows:

§ 274a.10 Penalties.

* * * * *

- (b) * * *
- (1) * * *
- (ii) * * *

(A) First offense—not less than \$275 and not more than \$2,200 for each unauthorized alien with respect to whom the offense occurred before March 27, 2008; not less than \$375 and not exceeding \$3,200, for each unauthorized alien with respect to whom the offense occurred occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$548 and not more than \$4,384 for each unauthorized alien with respect to whom the offense occurred occurring after November 2, 2015.

(B) Second offense—not less than \$2,200 and not more than \$5,500 for each unauthorized alien with respect to whom the second offense occurred before March 27, 2008; not less than \$3,200 and not more than \$6,500, for each unauthorized alien with respect to whom the second offense occurred on or after March 27, 2008 and on or before November 2, 2015; and not less than \$4,384 and not more than \$10,957 for each unauthorized alien with respect to whom the second offense occurred after November 2, 2015; or

(C) More than two offenses—not less than \$3,300 and not more than \$11,000 for each unauthorized alien with respect to whom the third or subsequent offense occurred before March 27, 2008; not less than \$4,300 and not exceeding \$16,000, for each unauthorized alien with respect to whom the third or subsequent offense occurred on or after March 27, 2008 and on or before November 2, 2015; and not less than \$6,575 and not more than \$21,916 for each unauthorized alien with respect to whom the third or subsequent offense occurred after November 2, 2015; and

* * * * *

(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an administrative law judge, to have failed to comply with the employment verification requirements as set forth in § 274a.2(b), shall be subject to a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred before September 29, 1999; not less than \$110 and not more than \$1,100 for each individual with respect to whom such violation occurred on or after September 29, 1999 and on or before November 2, 2015; and not less than \$220 and not more than \$2,191 for each individual with respect to whom such violation occurred after November 2, 2015. In

determining the amount of the penalty, consideration shall be given to:

- (i) The size of the business of the employer being charged;
- (ii) The good faith of the employer;
- (iii) The seriousness of the violation;
- (iv) Whether or not the individual was an unauthorized alien; and
- (v) The history of previous violations of the employer.

* * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

■ 8. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Public Law 101–410, 104 Stat. 890, as amended by Public Law 114–74, 129 Stat. 599.

■ 9. Revise § 280.53 to read as follows:

§ 280.53 Civil monetary penalties inflation adjustment.

(a) *Statutory authority*. In accordance with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, Sec. 701, 129 Stat. 599, the civil monetary penalties listed in paragraph (b) of this section are adjusted as provided in paragraph (b).

(b) *Adjustment of penalties*. For violations occurring on or before November 2, 2015, the penalty amount prior to adjustment applies. For violations occurring after November 2, 2015, the listed penalties are adjusted as follows:

(1) Section 231(g) of the Act, Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States: From \$1,312 to \$1,333.

(2) Section 234 of the Act, Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$3,563 to \$3,621.

(3) Section 240B(d) of the Act, Penalties for failure to depart voluntarily: From \$1,502 minimum/\$7,512 maximum to \$1,527 minimum/\$7,635 maximum.

(4) Section 243(c)(1)(A) of the Act, Penalties for violations of removal orders relating to aliens transported on vessels or aircraft, under section 241(d) of the Act, or for costs associated with removal under section 241(e) of the Act: From \$3,005 to \$3,054;

(5) Penalties for failure to remove alien stowaways under section 241(d)(2): From \$7,512 to \$7,635.

(6) Section 251(d) of the Act, Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the Act: From \$356 to \$362; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$8,908 to \$9,054.

(7) Section 254(a) of the Act, Penalties for failure to control, detain, or remove alien crewmen: From \$891 minimum/\$5,345 maximum to \$906 minimum/\$5,432 maximum.

(8) Section 255 of the Act, Penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From \$1,782 to \$1,811.

(9) Section 256 of the Act, Penalties for discharge of alien crewmen: From \$2,672 minimum/\$5,345 maximum to \$2,716 minimum/\$5,432 maximum.

(10) Section 257 of the Act, Penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$17,816 maximum to \$18,107 maximum.

(11) Section 271(a) of the Act, Penalties for failure to prevent the unauthorized landing of aliens: From \$5,345 to \$5,432.

(12) Section 272(a) of the Act, Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground: From \$5,345 to \$5,432.

(13) Section 273(b) of the Act, Penalties for bringing to the United States aliens without required documentation: From \$5,345 to \$5,432.

(14) Section 274D of the Act, Penalties for failure to depart: From \$751 to \$763, for each day the alien is in violation.

(15) Section 275(b) of the Act, Penalties for improper entry: From \$75 minimum/\$376 maximum to \$76 minimum/\$382 maximum, for each entry or attempted entry.

Title 33—Navigation and Navigable Waters

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 10. The authority citation for part 27 continues to read as follows:

Authority: Secs. 1–6, Public Law 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Public Law 104–134, as amended by Public Law 114–74; 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 11. Revise § 27.3 to read as follows:

§ 27.3 Penalty adjustment table.

Table 1 identifies the statutes administered by the Coast Guard that authorize a civil monetary penalty. The “adjusted maximum penalty” is the maximum penalty authorized by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, as determined by the Coast Guard. The adjusted civil penalty amounts listed in Table 1 are applicable for penalty assessments issued after January 27, 2017, with respect to violations occurring after November 2, 2015. The applicable civil penalty amounts for violations occurring on or before November 2, 2015, are set forth in previously published regulations amending this part.

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
14 U.S.C. 88(c)	Saving Life and Property	10,181
14 U.S.C. 88(e)	Saving Life and Property; Intentional Interference with Broadcast	1,045
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense)	5,114
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	34,095
16 U.S.C. 4711(g)(1)	Aquatic Nuisance Species in Waters of the United States	38,175
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	7,623
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty	1,779
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge ¹	5,000
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty ¹	1,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	11,053
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	762
33 U.S.C. 495(b)	Bridges/Failure to Comply with Regulations	27,904
33 U.S.C. 499(c)	Bridges/Drawbridges	27,904
33 U.S.C. 502(c)	Bridges/Failure to Alter Bridge Obstructing Navigation	27,904
33 U.S.C. 533(b)	Bridges/Maintenance and Operation	27,904
33 U.S.C. 1208(a)	Bridge to Bridge Communication; Master, Person in Charge or Pilot	2,033
33 U.S.C. 1208(b)	Bridge to Bridge Communication; Vessel	2,033
33 U.S.C. 1232(a)	PWSA Regulations	90,063
33 U.S.C. 1236(b)	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	9,054
33 U.S.C. 1236(c)	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	9,054
33 U.S.C. 1236(d)	Vessel Navigation: Regattas or Marine Parades; Other Persons	4,527
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I per violation)	18,107
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I total under paragraph)	45,268
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II per day of violation)	18,107
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II total under paragraph)	226,338
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment	45,268
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment	1,811
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	45,268
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	45,268

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	5,432
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	181,071
33 U.S.C. 1322(j)	Marine Sanitation Devices; Operating	7,623
33 U.S.C. 1322(j)	Marine Sanitation Devices; Sale or Manufacture	20,327
33 U.S.C. 1608(a)	International Navigation Rules; Operator	14,252
33 U.S.C. 1608(b)	International Navigation Rules; Vessel	14,252
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	71,264
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	14,252
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	14,252
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	14,252
33 U.S.C. 2609(a)	Shore Protection; General	50,276
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	20,111
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	45,268
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	41,446
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; related to false statements	55,263
33 U.S.C. 3852(c)	Clean Hulls; Recreational Vessels	5,526
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I)	54,789
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II)	54,789
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense)	164,367
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	54,789
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	164,367
46 U.S.C. 80509(a)	Safe Containers for International Cargo	5,989
46 U.S.C. 70305(c)	Suspension of Passenger Service	59,893
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	9,054
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	7,370
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	6,666
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	33,333
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	7,370
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent	11,478
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	2,296
46 U.S.C. 3102(c)(1)	Immersion Suits	11,478
46 U.S.C. 3302(i)(5)	Inspection Permit	2,394
46 U.S.C. 3318(a)	Vessel Inspection; General	11,478
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	11,478
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice IAW 3304(b)	2,296
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c)	2,296
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥1600 Gross Tons	22,957
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel <1600 Gross Tons	4,591
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	22,957
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	11,478
46 U.S.C. 3502(e)	List/count of Passengers	239
46 U.S.C. 3504(c)	Notification to Passengers	23,933
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	1,196
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	479
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	59,834
46 U.S.C. 4106	Uninspected Vessels	10,055
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	316,566
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	6,331
46 U.S.C. 4311(c)	Recreational Vessels	2,394
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels	10,055
46 U.S.C. 4703	Abandonment of Barges	1,704
46 U.S.C. 5116(a)	Load Lines	10,957
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	21,916
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	10,957
46 U.S.C. 6103(a)	Reporting Marine Casualties	38,175
46 U.S.C. 6103(b)	Reporting Marine Casualties; Violation of 6104	10,055
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	1,811
46 U.S.C. 8101(f)	Manning of Inspected Vessels	18,107
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG	18,107
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	2,394
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	2,394
46 U.S.C. 8103(f)	Citizenship Requirements	1,196
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	18,107
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	18,107

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2017 adjusted maximum penalty amount (\$)
46 U.S.C. 8302(e)	Staff Department on Vessels	239
46 U.S.C. 8304(d)	Officer's Competency Certificates	239
46 U.S.C. 8502(e)	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	18,107
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	18,107
46 U.S.C. 8503	Federal Pilots	57,391
46 U.S.C. 8701(d)	Merchant Mariners Documents	1,196
46 U.S.C. 8702(e)	Crew Requirements	18,107
46 U.S.C. 8906	Small Vessel Manning	38,175
46 U.S.C. 9308(a)	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	18,107
46 U.S.C. 9308(b)	Pilotage: Great Lakes; Individual	18,107
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	18,107
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	9,623
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1,196
46 U.S.C. 10314(b)	Pay Advances to Seamen; Remuneration for Employment	1,196
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¹ Enacted under the Tariff Act of 1930, exempt from inflation adjustments.

Title 49—Transportation

PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

■ 12. The authority citation for part 1503 continues to read as follows:

Authority: 6 U.S.C. 1142; 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 114, 20109, 31105, 40113–40114, 40119, 44901–44907, 46101–46107, 46109–46110, 46301, 46305,

46311, 46313–46314; Public Law 104–134, as amended by Public Law 114–74.

■ 13. Revise § 1503.401 to read as follows:

§ 1503.401 Maximum penalty amounts.

(a) *General.* TSA may assess civil penalties not exceeding the following amounts against a person for the violation of a TSA requirement.

(b) *In general.* Except as provided in paragraph (c) of this section, in the case

of violation of title 49 U.S.C. or 46 U.S.C. chapter 701, or a regulation prescribed or order issued under any of those provisions, TSA may impose a civil penalty in the following amounts:

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For

violations that occurred after November 2, 2015 \$11,182 per violation, up to a total of \$55,910 per civil penalty action, in the case of an individual or small business concern; and

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person. For violations that occurred after November 2, 2015, \$11,182 per violation, up to a total of \$447,280 per civil penalty action, in the case of any other person.

(c) *Certain aviation related violations.* In the case of a violation of 49 U.S.C. chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, or a regulation prescribed or order issued under any of those provisions, TSA may impose a civil penalty in the following amounts:

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, \$13,066 per violation, up to a total of 65,333 per civil penalty action, in the case of an individual (except an airman serving as an airman), or a small business concern.

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation. For violations that occurred after November 2, 2015, \$13,066 per violation, up to a total of \$522,657 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation.

(3) For violations that occurred on or before November 2, 2015, \$25,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman). For violations that occurred after November 2, 2015, \$32,666 per violation, up to a total of \$522,657 per civil penalty action, in the case of a person (except an individual serving as an airman) operating an aircraft for the transportation of

passengers or property for compensation.

Jeh Charles Johnson,
Secretary.

[FR Doc. 2017–00605 Filed 1–26–17; 8:45 am]

**BILLING CODE 9110–09–P; 9111–14–P; 9111–28–PI
9110–04–P; 9110–05–P**

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 19 and 109

[Docket ID OCC–2017–0002]

RIN 1557–AE14

Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is amending its rules of practice and procedure for national banks and its rules of practice and procedure in adjudicatory proceedings for Federal savings associations to adjust the maximum amount of each civil money penalty within its jurisdiction to administer to account for inflation. These actions implement the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This rule is effective on January 27, 2017 and is applicable to penalties assessed after January 15, 2017.

FOR FURTHER INFORMATION CONTACT: Jean Campbell, Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, or Alexander Abramovich, Attorney, Enforcement and Compliance Division, (202) 649–6200, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

I. Background

The final rule changes the maximum amount for each civil money penalty (CMP) within the OCC's jurisdiction to administer to account for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Adjustment Act),¹ as amended by

¹ Public Law 101–410, Oct. 5, 1990, 104 Stat. 890, *codified at* 28 U.S.C. 2461 note.

the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Adjustment Act).² The 1990 Adjustment Act had required the OCC and other Federal agencies with CMP authority to publish by regulation the inflation-adjusted maximum amount for each CMP authorized by a law that the agency has jurisdiction to administer. Key features of the 1990 Adjustment Act included requiring such agencies to make inflation adjustments at least once every four years following any initial adjustment, capping the initial inflation adjustment increase at 10 percent, and imposing rounding rules that limited increases based on the amount of the penalty.

The purpose of the 2015 Adjustment Act was to establish a mechanism to regularly adjust CMPs for inflation; maintain the deterrent effect of CMPs and promote compliance with the law; and improve the collection of CMPs by the Federal government.³ The 2015 Adjustment Act revised the process by which each Federal agency must adjust its CMPs for inflation. Under the 2015 Adjustment Act, agencies were required to adjust the amount of their CMPs⁴ for inflation with an initial catch-up adjustment through an interim final rule published by July 1, 2016, and to make subsequent adjustments for inflation by January 15 of each year, beginning in 2017. In addition, the 2015 Adjustment Act simplified the process for calculating the inflation increase and eliminated the complex rounding rules in the 1990 Adjustment Act.

The 2015 Adjustment Act also required the Office of Management and Budget (OMB) to issue initial guidance to Federal agencies no later February 29, 2016, and subsequent guidance not later than December 15 of each year, beginning on December 15, 2016, on implementing the required inflation adjustments.

In accordance with the 2015 Adjustment Act and OMB's initial guidance, issued on February 29, 2016,⁵

² Public Law 114–74, Title VII, section 701(b), Nov. 2, 2015, 129 Stat. 599, *codified at* 28 U.S.C. 2461 note.

³ 28 U.S.C. 2461 note, section 2(b).

⁴ The 2015 Adjustment Act defined a “civil monetary penalty” to mean “any penalty, fine, or other sanction that is for a specific monetary amount as provided by Federal law; or has a maximum amount provided for by Federal law; and is assessed or enforced by an agency pursuant to Federal law; and is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.” 28 U.S.C. 2461 note, section 3(2). Thus, a penalty based on another measure, such as a percentage of total assets, need not be adjusted.

⁵ Office of Management and Budget Memorandum, M–16–06 (February 24, 2016),

the OCC increased the amount of each maximum CMP with an initial catch-up adjustment by publishing an interim final rule in the **Federal Register** on July 1, 2016, with an effective date of August 1, 2016.⁶ The OCC did not receive any comments on this interim final rule.

On December 16, 2016, the OMB published additional guidance to assist Federal agencies in calculating the 2017 annual inflation adjustment pursuant to the 2015 Adjustment Act (2016 OMB Guidance).⁷ The 2016 OMB guidance provided the cost-of-living inflation adjustment multiplier (*i.e.*, the inflation adjustment factor agencies must use to adjust their penalties) for 2017, step-by-step instructions on how agencies should calculate the annual inflation adjustments, and other relevant information.

II. Description of the Final Rule

A. 2017 Inflation Adjustment

The 2015 Adjustment Act required Federal agencies to make annual adjustments no later than January 15 of each year, beginning on January 15, 2017⁸ and to publish such adjustments in the **Federal Register**. This final rule amends the OCC's rules of practice and procedure for national banks at 12 CFR 19.240 and its rules of practice and procedure in adjudicatory proceedings for Federal savings associations at 12 CFR 109.103 to adjust for inflation the maximum amount of each CMP that the OCC has jurisdiction to impose in accordance with the 2015 Adjustment Act and the 2016 OMB Guidance.

First, the final rule describes the formula used by the OCC to calculate the new maximum inflation-adjusted amount of each CMP. It states that the inflation adjustment is calculated by multiplying the maximum dollar amount of the CMP for the previous calendar year by the cost-of living inflation adjustment multiplier provided annually by OMB and rounding the total to the nearest dollar.⁹

Next, the rule adjusts each CMP that the OCC has jurisdiction to administer in accordance with the formula described above. The OCC calculated the adjusted amounts in the national bank chart at 12 CFR 19.240(b) (national bank chart) and Federal savings

association chart at 12 CFR 109.103(c)(2) (Federal savings association chart) by applying the cost-of living inflation adjustment multiplier provided by OMB¹⁰ to each maximum CMP and rounding all penalty amounts to the nearest dollar. Each chart identifies the statutes that authorize the OCC to assess CMPs, describes the different tiers of penalties provided in each statute (as applicable), and sets out the maximum inflation-adjusted penalty that the OCC may impose pursuant to each statutory provision.¹¹

The final rule also makes clear that the adjustments in each chart apply to penalties assessed after January 15, 2017, for violations that occurred on or after November 2, 2015, which is the date of enactment of the 2015 Adjustment Act.

The final rule also states that future annual inflation adjustments to the maximum penalty amounts will be published as a notice in the **Federal Register**. The 2015 Adjustment Act required Federal agencies to annually adjust their CMPs for inflation beginning on January 15, 2017, and each year thereafter, and to publish the adjusted CMPs in the **Federal Register**. While the 2015 Adjustment Act required the OCC to initially adjust its maximum CMP amounts through an interim final rulemaking, the 2015 Adjustment Act specifically stated that subsequent adjustments shall be made "notwithstanding section 553 of title 5, United States Code" (*i.e.*, the Administrative Procedure Act or APA).¹² The 2016 OMB Guidance clarifies that this means "the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment."¹³ Accordingly, the OCC will publish its future inflation

adjustments as a notice. This process is specifically described in the 2016 OMB Guidance.¹⁴ In addition, we note that this is similar to the OCC's semiannual fee assessment process at 12 CFR part 8, which sets forth a chart describing the formula to calculate the semiannual assessment fee and states that the OCC will publish a notice providing the fees for the upcoming year.¹⁵

Furthermore, because the 2015 Adjustment Act does not require annual adjustments to be published in accordance with the APA, the OCC is amending 12 CFR 19.240 and 12 CFR 109.103 by issuing a final rule rather than a notice of proposed rulemaking.

B. Technical Change to the National Bank Chart and Federal Savings Association Chart

The OCC is correcting a minor technical error in footnote 3 of the national bank chart and Federal savings association chart. Footnote 3 explains that statutes cross-referencing 12 U.S.C. 1818 are adjusted automatically when the penalty in section 1818 is adjusted for inflation. Fifteen U.S.C. 1649e(k) was inadvertently included as an example of a penalty that cross-references 12 U.S.C. 1818. Accordingly, the final rule deletes reference to 15 U.S.C. 1649e(k) in the footnotes, but retains the reference to this statute in the national bank chart and Federal savings association chart.

III. Regulatory Analysis

A. Delayed Effective Date

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994¹⁶ (RCDRIA) required that the effective date of new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions shall be the first day of a calendar quarter that begins on or after the date the regulations are published in final form. 12 U.S.C. 4802(b)(1). The RCDRIA does not apply to this final rule because the rule merely increases the amount of CMPs that already exist and does not impose any additional reporting, disclosures, or other new requirements.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C.

available at: <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2016/m-16-06.pdf>.

⁶ 81 FR 43021 (July 1, 2016).

⁷ Office of Management and Budget Memorandum, M-17-11 (December 16, 2016), available at: https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf.

⁸ 28 U.S.C. 2461 note, section 4(a).

⁹ The formula that OMB must use is described in the 2015 Adjustment Act at 28 U.S.C. 2461 note, section 5.

¹⁰ The 2016 OMB Guidance states that the 2017 cost-of-living inflation adjustment multiplier is 1.01636. 2016 OMB Guidance, at 1. In accordance with the 2015 Adjustment Act, OMB based this multiplier on the percent change between the Consumer Price Index for October 2016 and October 2015. 28 U.S.C. 2461 note, section 5(b)(1).

¹¹ Although the 2015 Adjustment Act required agencies to increase the maximum penalty that may be assessed under each applicable statute to account for inflation, the OCC generally retains discretion to impose lesser penalties after consideration has been given to the financial resources and good faith of the institution or institution-affiliated party (IAP), the gravity of the violations, the history of previous violations by the institution or IAP, and such other matters as justice may require. 12 U.S.C. 1818(i)(2)(G) and *Interagency Policy Statement Regarding the Assessment of CMPs by the Federal Financial Institutions Regulatory Agencies*, 63 FR 30227 (June 3, 1998).

¹² 28 U.S.C. 2461 note, section 4(b)(2).

¹³ 2016 OMB Guidance, at 3.

¹⁴ 28 U.S.C. 2461 note, section 4(b)(2) and 2016 OMB Guidance, at 3.

¹⁵ 12 CFR 8.2 and 8.8.

¹⁶ 12 U.S.C. 4802.

553(b).¹⁷ Because the 2015 Adjustment Act specifically exempted agencies' annual adjustments from the requirements of the APA,¹⁸ the OCC is issuing a final rule, rather than a general notice of proposed rulemaking. Thus, the Regulatory Flexibility Act does not apply to this final rule.

C. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995¹⁹ required that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more, as adjusted for inflation, in any one year. The Unfunded Mandates Reform Act only applies when an agency issues a general notice of proposed rulemaking. Because the OCC is not publishing a notice of proposed rulemaking, this final rule is not subject to section 202 of the Unfunded Mandates Reform Act.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),²⁰ the OCC may not

conduct or sponsor, and notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid OMB control number. The final rule contains no information collection requirements under the PRA.

List of Subjects

12 CFR Part 19

Administrative practice and procedure, Crime, Equal access to justice, Investigations, National banks, Penalties, Securities.

12 CFR Part 109

Administrative practice and procedure, Federal savings associations, Penalties.

Authority and Issuance

For the reasons set out in the preamble, parts 19 and 109 of chapter I of title 12 of the Code of Federal Regulations are amended as follows:

PART 19—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 19 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 93a, 164, 481, 504, 1817, 1818, 1820, 1831m, 1831o, 1832, 1884, 1972, 3102, 3108(a), 3110, 3909, and 4717; 15 U.S.C. 78(h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, 78w, and 1639e; 28 U.S.C. 2461 note; 31 U.S.C. 330 and 5321; and 42 U.S.C. 4012a.

■ 2. Section 19.240 is revised to read as follows:

§ 19.240 Inflation adjustments.

(a) *Statutory formula to calculate inflation adjustments.* The maximum amount of each civil money penalty in the chart in paragraph (b) of this section is adjusted annually for inflation. The inflation adjustment is calculated by multiplying the maximum dollar amount of the civil money penalty for the previous calendar year by the cost-of-living inflation adjustment multiplier provided annually by the Office of Management and Budget and rounding the total to the nearest dollar.

(b) *2017 Inflation adjustment.* The maximum amount of each civil money penalty in the following chart applies to penalties assessed after January 15, 2017, for violations that occurred on or after November 2, 2015:

U.S. Code citation	Description and tier (if applicable)	Maximum penalty amount (in dollars) ¹
12 U.S.C. 93(b)	Violation of Various Provisions of the National Bank Act:	
	Tier 1	9,623
	Tier 2	48,114
	Tier 3	≥ 1,924,589
12 U.S.C. 164	Violation of Reporting Requirements:	
	Tier 1	3,849
	Tier 2	38,492
	Tier 3	≥ 1,924,589
12 U.S.C. 481	Refusal of Affiliate to Cooperate in Examination (national bank)	9,623
12 U.S.C. 504	Violation of Various Provisions of the Federal Reserve Act:	
	Tier 1	9,623
	Tier 2	48,114
	Tier 3	≥ 1,924,589
12 U.S.C. 1817(j)(16)	Violation of Change in Bank Control Act:	
	Tier 1	9,623
	Tier 2	48,114
	Tier 3	≥ 1,924,589
12 U.S.C. 1818(i)(2) ³	Violation of Law, Unsafe or Unsound Practice, or Breach of Fiduciary Duty:	
	Tier 1	9,623
	Tier 2	48,114
	Tier 3	≥ 1,924,589
12 U.S.C. 1820(k)(6)(A)(ii)	Violation of Post-Employment Restrictions:	
	Per violation	316,566
12 U.S.C. 1832(c)	Violation of Withdrawals by Negotiable or Transferable Instrument for Transfers to Third Parties:	
	Per violation	2,795
12 U.S.C. 1884	Violation of the Bank Protection Act	279
12 U.S.C. 1972(2)(F)	Violation of Anti-Tying Provisions regarding Correspondent Accounts, Unsafe or Unsound Practices, or Breach of Fiduciary Duty:	
	Tier 1	9,623
	Tier 2	48,114

¹⁷ 5 U.S.C. 601(2).

¹⁸ 28 U.S.C. 2461 note, section 4(b)(2) and 2016 OMB Guidance, at 3.

¹⁹ 2 U.S.C. 1532.

²⁰ 44 U.S.C. 3501 *et seq.*

U.S. Code citation	Description and tier (if applicable)	Maximum penalty amount (in dollars) ¹
12 U.S.C. 3110(a)	Tier 3 Violation of Various Provisions of the International Banking Act (Federal Branches and Agencies):	² 1,924,589 43,983
12 U.S.C. 3110(c)	Violation of Reporting Requirements of the International Banking Act (Federal Branches and Agencies): Tier 1 Tier 2 Tier 3	3,519 35,186 ² 1,759,309
12 U.S.C. 3909(d)(1)	Violation of International Lending Supervision Act	2,394
15 U.S.C. 78u-2(b)	Violation of Various Provisions of the Securities Act, the Securities Exchange Act, the Investment Company Act, or the Investment Advisers Act: Tier 1 (natural person)—Per violation Tier 1 (other person)—Per violation Tier 2 (natural person)—Per violation Tier 2 (other person)—Per violation Tier 3 (natural person)—Per violation Tier 3 (other person)—Per violation	9,054 90,535 90,535 452,677 181,071 905,353
15 U.S.C. 1639e(k)	Violation of Appraisal Independence Requirements: First violation Subsequent violations	11,053 22,105
42 U.S.C. 4012a(f)(5)	Flood Insurance: Per violation	2,090

¹ The maximum penalty amount is per day, unless otherwise indicated.

² The maximum penalty amount for a national bank is the *lesser* of this amount or 1 percent of total assets.

³ These amounts also apply to CMPs in statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2804, 3108, 3349, 4309, and 4717 and 15 U.S.C. 1607, 1693o, 1681s, 1691c, and 1692l.

(c) *Future inflation adjustments.*

Notice of the maximum penalty which may be assessed for the penalties enumerated in paragraph (b) of this section for calendar years after 2017 will be published in the **Federal Register** on an annual basis on or before January 15 of each calendar year based on the formula in paragraph (a) of this section.

PART 109—RULES OF PRACTICE AND PROCEDURE IN ADJUDICATORY PROCEEDINGS

■ 3. The authority citation for part 109 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 1464, 1467, 1467a, 1468, 1817, 1818, 1820(k), 1829(e), 1832, 1884, 1972, 3349, 4717, 5412(b)(2)(B); 15 U.S.C. 78(l), 78o–5, 78u–2, 1639e; 28 U.S.C. 2461 note; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 4. Section 109.103 is amended by revising paragraph (c) to read as follows:

§ 109.103 Civil money penalties.

* * * * *

(c) *Maximum amount of civil money penalties—(1) Statutory formula.* The maximum amount of each civil money penalty in the chart in paragraph (c)(2) of this section is adjusted annually for

inflation. The inflation adjustment is calculated by multiplying the maximum dollar amount of the civil money penalty for the previous calendar year by the cost-of-living inflation adjustment multiplier provided annually by the Office of Management and Budget and rounding the total to the nearest dollar.

(2) *2017 Inflation adjustment.* The maximum amount of each civil money penalty in the following chart applies to penalties assessed after January 15, 2017, for violations that occurred on or after November 2, 2015:

U.S. Code citation	CMP description	Maximum penalty amount (in dollars) ¹
12 U.S.C. 1464(v)	Reports of Condition: 1st Tier 2nd Tier 3rd Tier	3,849 38,492 ² 1,924,589
12 U.S.C. 1467(d)	Refusal of Affiliate to Cooperate in Examination	9,623
12 U.S.C. 1467a(r)	Late/Inaccurate Reports: 1st Tier 2nd Tier 3rd Tier	3,849 38,492 ² 1,924,589
12 U.S.C. 1817(j)(16)	Violation of Change in Bank Control Act: Tier 1 Tier 2 Tier 3	9,623 48,114 ² 1,924,589
12 U.S.C. 1818(i)(2) ³	Violation of Law, Unsafe or Unsound Practice, or Breach of Fiduciary Duty: Tier 1 Tier 2 Tier 3	9,623 48,114 ² 1,924,589
12 U.S.C. 1820(k)(6)(A)(ii)	Violation of Post-Employment Restrictions: Per violation	316,566

U.S. Code citation	CMP description	Maximum penalty amount (in dollars) ¹
12 U.S.C. 1832(c)	Violation of Withdrawals by Negotiable or Transferable Instruments for Transfers to Third Parties:	
	Per violation	2,541
12 U.S.C. 1884	Violation of the Bank Protection Act	279
12 U.S.C. 1972(2)(F)	Violation of Provisions regarding Correspondent Accounts, Unsafe or Unsound Practices, or Breach of Fiduciary Duty:	
	Tier 1	9,623
	Tier 2	48,114
	Tier 3	² 1,924,589
15 U.S.C. 78u-2(b)	Violations of Various Provisions of the Securities Act, the Securities Exchange Act, the Investment Company Act, or the Investment Advisers Act:	
	1st Tier (natural person)—Per violation	9,054
	1st Tier (other person)—Per violation	90,535
	2nd Tier (natural person)—Per violation	90,535
	2nd Tier (other person)—Per violation	452,677
	3rd Tier (natural person)—Per violation	181,071
	3rd Tier (other person)—Per violation	905,353
15 U.S.C. 1639e(k)	Violation of Appraisal Independence Requirements:	
	First violation	11,053
	Subsequent violations	22,105
42 U.S.C. 4012a(f)(5)	Flood Insurance:	
	Per violation	2,090

¹ The maximum penalty amount is per day, unless otherwise indicated.

² The maximum penalty amount for a national bank is the *lesser* of this amount or 1 percent of total assets.

³ These amounts also apply to statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2804, 3108, 3349, 4309, and 4717 and 15 U.S.C. 1607, 1681s, 1691c, and 1692l.

(3) *Future inflation adjustments.*

Notice of the maximum penalty which may be assessed for the penalties enumerated in paragraph (c)(2) of this section for calendar years after 2017 will be published in the **Federal Register** on an annual basis on or before January 15 of each calendar year based on the formula in paragraph (c)(1) of this section.

Dated: January 9, 2017.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2017-00592 Filed 1-26-17; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Parts 4, 7, 10, 11, 12, 24, 54, 101, 102, 103, 113, 132, 133, 134, 141, 142, 143, 144, 145, 146, 147, 151, 152, 158, 159, 161, 162, 163, 173, 174, 176, and 181

[Docket No. USCBP-2016-0075; CBP Dec. No. 16-26]

RIN 1651-AB02

Regulatory Implementation of the Centers of Excellence and Expertise

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Interim final rule; extension of comment period.

SUMMARY: This document provides an additional 60 days for interested parties to submit comments on the interim final rule that amended the U.S. Customs and Border Protection (CBP) regulations establishing the Centers of Excellence and Expertise (“Centers”) as a permanent organizational component of the agency and transitioning certain additional trade functions to the Centers. The interim final rule was published in the **Federal Register** on December 20, 2016, with comments due on or before January 19, 2017. To have as much public participation as possible in the formulation of the final rule, CBP is extending the comment period to March 20, 2017.

DATES: The comment period for the interim final rule published December 20, 2016, at 81 FR 92978, effective January 19, 2017, is extended. Comments must be received on or before March 20, 2017.

ADDRESSES: You may submit comments, identified by docket number, by *one* of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2016-0075.

- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, Customs and

Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

FOR FURTHER INFORMATION CONTACT: Lori Whitehurst, CBP Office of Field Operations by telephone (202) 344-2536 or by email, lori.j.whitehurst@cbp.dhs.gov; or Susan S. Thomas, CBP Office of Field Operations by telephone (202) 344-2511 or by email, susan.s.thomas@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the interim rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this interim rule. Comments that will provide the most assistance to CBP will reference a specific portion of the interim rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. *See ADDRESSES* above for information on how to submit comments.

II. Background

On December 20, 2016, CBP published in the **Federal Register** (81 FR 92978) an Interim Final Rule (CBP Dec. No. 16–26) that amended the CBP regulations establishing the Centers of Excellence and Expertise (“Centers”) as a permanent organizational component of the agency and transitioning certain additional trade functions to the Centers. The document solicited public comments in the interim rule, and requested that submitted comments be received by CBP on or before January 19, 2017. The effective date of the interim rule is January 19, 2017.

Extension of Comment Period

With the goal of establishing the most effective and transparent procedures as possible for CBP to establish the Centers as a permanent organizational component of the agency, CBP believes that it is very important to have as much public participation as possible in the formulation of the final rule that establishes those procedures for CBP. Therefore, CBP has decided to allow additional time for the public to submit comments on the final rule. Accordingly, the comment period is extended to March 20, 2017.

Dated: January 18, 2017.

Richard F. DiNucci,

Executive Director, Cargo and Conveyance Security, Office of Field Operations.

[FR Doc. 2017–01580 Filed 1–26–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[USCBP–2016–0011; CBP Dec. 16–29]

RIN 1515–AE11

Delay of Effective Date for Importations of Certain Vehicles and Engines Subject to Federal Antipollution Emission Standards

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.
ACTION: Final rule; delay of effective date.

SUMMARY: On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** announcing amendments to CBP regulations relating to the importation into the United States of certain vehicles and engines under the Clean Air Act (CAA) in order to harmonize the documentation requirements applicable to different classes of vehicles and engines that are subject to the CAA’s emission standards. That document further amended the regulations to permit importers to file the required U.S. Environmental Protection Agency (EPA) Declaration Forms with CBP electronically, and amended non-substantive provisions to update regulatory citations and delete obsolete provisions. The changes announced in that Final Rule were to be effective January 26, 2017. This notice announces that the effective date of the Final Rule is delayed for 60 days from January 20, 2017.

DATES: This regulation is effective January 25, 2017. The effective date of the rule amending 19 CFR part 12 published at 81 FR 94974, December 27, 2016 is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: For questions related to the filing of EPA forms with CBP, please contact William Scopa, Partner Government Agencies Interagency Collaboration Division, Office of Trade, Customs and Border Protection, at *William.R.Scopa@cbp.dhs.gov*. For questions related to EPA’s vehicle and engine imports program, please contact Holly Pugliese at *pugliese.holly@epa.gov*.

SUPPLEMENTARY INFORMATION: On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** (81

FR 94974) announcing the amendment of CBP regulations relating to the importation into the United States of certain vehicles and engines under the Clean Air Act (CAA) in order to harmonize the documentation requirements applicable to different classes of vehicles and engines that are subject to the CAA’s emission standards. The document further amended the regulations to permit importers to file the required U.S. Environmental protection Agency (EPA) Declaration Forms with CBP electronically, and amended non-substantive provisions to update regulatory citations and delete obsolete provisions. The rule was to become effective on January 26, 2017.

On January 20, 2017, the Chief of Staff of the White House released a memorandum to ensure that the President’s appointees or designees have the opportunity to review any new or pending regulations. The memorandum asks the heads of executive departments and agencies to temporarily postpone the effective date for 60 days from the date of the memorandum of all regulations that had been published in the **Federal Register**, but had not taken effect. In light of this memo, CBP has considered whether entities affected by these final regulations will need additional time to implement new systems or internal procedural changes. To provide additional time for affected entities to become familiar with the increased flexibilities and new processes of the final regulations, CBP believes that extending the effective date until March 21, 2017 is appropriate and will furnish the affected entities with sufficient additional time.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Administrative Procedure Act

CBP and Treasury, for good cause and the reasons cited above, including the brief length of the extension of the effective date, find that notice and solicitation of comment regarding the extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public

interest pursuant to 5 U.S.C. 553(b)(B). CBP and Treasury also believe that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4; 2 U.S.C. 1532)

CBP and Treasury have concluded the extension of the effective date does not contain a Federal mandate that may result in the expenditure by State, local and Tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted for inflation) in any one year.

Kevin K. McAleenan,

Acting Commissioner, U.S. Customs and Border Protection.

Approved: January 25, 2017.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2017-01963 Filed 1-25-17; 4:15 pm]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 12 and 127

[USCBP-2016-0056; CBP Dec. 16-28]

RIN 1515-AE13

Delay of Effective Date for Toxic Substance Control Act Chemical Substance Import Certification Process Revisions

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule; delay of effective date.

SUMMARY: On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** announcing amendments to CBP regulations regarding the requirement to file a Toxic Substances Control Act (TSCA) certification when importing into the customs territory of the United States chemicals in bulk form or as part of mixtures and articles containing a chemical or mixture. That document amended the regulations to establish an electronic option for importers to file the required U.S. Environmental Protection Agency (EPA) TSCA certifications, to clarify and add certain definitions, and to eliminate the paper-based blanket certification process. The changes announced in that

Final Rule were to be effective January 26, 2017. This notice announces that the effective date of the Final Rule is delayed for 60 days from January 20, 2017.

DATES: This regulation is effective January 25, 2017. The effective date of the rule amending 19 CFR parts 12 and 127 published at 81 FR 94980, December 27, 2016 is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: For questions related to the filing of EPA forms with CBP, please contact William Scopa, Partner Government Agencies Interagency Collaboration Division, Office of Trade, Customs and Border Protection, at *William.R.Scopa@cbp.dhs.gov*. For EPA policy questions, please contact Harlan Weir, at *Weir.Harlan@epa.gov*.

SUPPLEMENTARY INFORMATION: On December 27, 2016, U.S. Customs and Border Protection (CBP) published a Final Rule in the **Federal Register** (81 FR 94980) announcing the amendment of CBP regulations regarding the requirement to file a Toxic Substances Control Act (TSCA) certification when importing into the United States chemicals in bulk form or as part of mixtures and articles containing a chemical or mixture. The document amended the regulations to permit importers to file the required U.S. Environmental Protection Agency (EPA) TSCA certifications electronically, to clarify and add certain definitions, and to eliminate the paper-based blanket certification process. The final rule was to become effective on January 26, 2017.

On January 20, 2017, the Chief of Staff of the White House released a memorandum to ensure that the President's appointees or designees have the opportunity to review any new or pending regulations. The memorandum asks the heads of executive departments and agencies to temporarily postpone the effective date for 60 days from the date of the memorandum of all regulations that had been published in the **Federal Register**, but had not taken effect. In light of this memo, CBP has considered whether entities affected by these final regulations will need additional time to implement new systems or internal procedural changes. To provide additional time for affected entities to become familiar with the increased flexibilities and new processes of the final regulations, CBP believes that extending the effective date until March 21, 2017 is appropriate and will furnish the affected entities with sufficient additional time.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Administrative Procedure Act

CBP and Treasury, for good cause and the reasons cited above, including the brief length of the extension of the effective date, find that notice and solicitation of comment regarding the extension of the effective date for the final regulation are impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). CBP and Treasury also believe that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4; 2 U.S.C. 1532)

CBP and Treasury have concluded the extension of the effective date does not contain a Federal mandate that may result in the expenditure by State, local and Tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted for inflation) in any one year.

Kevin K. McAleenan,

Acting Commissioner, U.S. Customs and Border Protection.

Approved: January 25, 2017.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2017-01962 Filed 1-25-17; 4:15 pm]

BILLING CODE 9111-14-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-402]

Schedules of Controlled Substances: Extension of Temporary Placement of THJ-2201, AB-PINACA and AB-CHMINACA in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary order.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this temporary order to extend the temporary schedule I status of three synthetic cannabinoids pursuant to the temporary scheduling provisions of the Controlled Substances Act. The substances are: [1-(5-Fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201); *N*-1-Amino-3-methyl-1-oxo-2-butanyl]-1-pentyl-1*H*-indazole-3-carboxamide (AB-PINACA); *N*-[1-Amino-3-methyl-1-oxo-2-butanyl]-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (AB-CHMINACA), including their optical, positional and geometric isomers, salts, and salts of isomers. The current final order temporarily placing THJ-2201, AB-PINACA and AB-CHMINACA into schedule I is in effect through January 29, 2017. This order will extend the temporary scheduling of THJ-2201, AB-PINACA and AB-CHMINACA for one year, or until the permanent scheduling action for these three substances is completed, whichever occurs first.

DATES: This temporary order is effective January 27, 2017. This temporary order will expire on January 29, 2018, or when a permanent scheduling proceeding is completed, whichever occurs first.

FOR FURTHER INFORMATION CONTACT:

Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the "Controlled Substances Act" and the "Controlled Substances Import and Export Act," respectively, and are collectively referred to as the "Controlled Substances Act" or the "CSA" for the purpose of this action. 21 U.S.C. 801-971. The DEA published the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and

dependence and are controlled to protect the public health and safety.

Under the CSA, every controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of all scheduled substances is published at 21 CFR part 1308.

Section 201 of the CSA (21 U.S.C. 811) provides the Attorney General with the authority to temporarily place a substance into schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if she finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1). The Attorney General has delegated her scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

Background

On January 30, 2015, the DEA published a final order in the **Federal Register** amending 21 CFR 1308.11(h) to temporarily place the three synthetic cannabinoids [1-(5-fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201); *N*-1-amino-3-methyl-1-oxo-2-butanyl]-1-pentyl-1*H*-indazole-3-carboxamide (AB-PINACA); and *N*-[1-amino-3-methyl-1-oxo-2-butanyl]-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (AB-CHMINACA) into schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). 80 FR 5042. That final order was effective on the date of publication, and was based on findings by the Administrator of the DEA that the temporary scheduling of these three synthetic cannabinoids was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) requires that the temporary control of these

substances expires two years from the effective date of the scheduling order, or on January 29, 2017. However, the CSA also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling of that substance could be extended for up to one year. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of the DEA pursuant to 28 CFR 0.100) on his or her own motion, at the request of the Secretary of Health and Human Services,¹ or on the petition of any interested party.

The Administrator of the DEA, on his own motion pursuant to 21 U.S.C. 811(a), has initiated proceedings under 21 U.S.C. 811(a)(1) to permanently schedule THJ-2201, AB-PINACA and AB-CHMINACA. The DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these three synthetic cannabinoids. On August 26, 2015, the DEA submitted a request to the HHS to provide the DEA with a scientific and medical evaluation of available information and a scheduling recommendation for THJ-2201, AB-PINACA and AB-CHMINACA, in accordance with 21 U.S.C. 811(b) and (c). Upon evaluating the scientific and medical evidence, on November 14, 2016, the HHS submitted to the Administrator of the DEA its three scientific and medical evaluations for these substances. Upon receipt of the scientific and medical evaluation and scheduling recommendations from the HHS, the DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of THJ-2201, AB-PINACA and AB-CHMINACA in accordance with 21 U.S.C. 811(c). The DEA has published a notice of proposed rulemaking for the placement of THJ-2201, AB-PINACA and AB-CHMINACA into schedule I elsewhere in this issue of the **Federal Register**.

Pursuant to 21 U.S.C. 811(h)(2), the Administrator of the DEA orders that the temporary scheduling of THJ-2201, AB-PINACA and AB-CHMINACA, including their optical, positional and geometric isomers, salts, and salts of

¹ Because the Secretary of the Department of Health and Human Services has delegated to the Assistant Secretary for Health of the Department of Health and Human Services the authority to make domestic drug scheduling recommendations, for purposes of this order, all subsequent references to "Secretary" have been replaced with "Assistant Secretary."

isomers, be extended for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

In accordance with this temporary order, the schedule I requirements for handling THJ-2201, AB-PINACA and AB-CHMINACA, including their optical, positional and geometric isomers, salts, and salts of isomers, are extended for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

Regulatory Matters

The CSA provides for an expedited temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h). The Attorney General may, by order, schedule a substance in schedule I on a temporary basis. *Id.* 21 U.S.C. 811(h) also provides that the temporary scheduling of a substance shall expire at the end of two years from the date of the issuance of the order scheduling such substance, except that the Attorney General may, during the pendency of proceedings to permanently schedule the substance, extend the temporary scheduling for up to one year.

To the extent that 21 U.S.C. 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued and extended, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) do not apply to this extension of the temporary scheduling action. In the alternative, even assuming that this action might be subject to section 553 of the APA, the Administrator finds that there is good

cause to forgo the notice and comment requirements of section 553, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety. Further, the DEA believes that this order extending the temporary scheduling action is not a "rule" as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. It is in the public interest to maintain

the temporary placement of THJ-2201, AB-PINACA and AB-CHMINACA in schedule I because they pose a public health risk. The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. The DEA understands that the CSA frames temporary scheduling actions as orders rather than rules to ensure that the process moves swiftly, and this extension of the temporary scheduling order continues to serve that purpose. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to place these substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order. Therefore, in accordance with section 808(2) of the CRA, this order extending the temporary scheduling order shall take effect immediately upon its publication. The DEA has submitted a copy of this temporary order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act) (5 U.S.C. 801-808) because, as noted above, this action is an order, not a rule.

Dated: January 17, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017-01517 Filed 1-26-17; 8:45 am]

BILLING CODE 4410-09-P

Proposed Rules

Federal Register

Vol. 82, No. 17

Friday, January 27, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-402]

Schedules of Controlled Substances: Placement of AB-CHMINACA, AB-PINACA and THJ-2201 Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide (AB-CHMINACA), *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide (AB-PINACA) and [1-(5-fluoropentyl)-1*H*-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201), including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, into schedule I of the Controlled Substances Act. This proposed scheduling action is pursuant to the Controlled Substances Act which requires that such actions be made on the record after opportunity for a hearing through formal rulemaking. If finalized, this action would continue to impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle AB-CHMINACA, AB-PINACA and THJ-2201.

DATES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). Comments must be submitted electronically or postmarked on or before February 27, 2017. Commenters should be aware that the electronic Federal Docket Management System

will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Interested persons, defined at 21 CFR 1300.01 as those “adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act (21 U.S.C. 811),” may file a request for hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.45 and/or 1316.47, as applicable. Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing must be received on or before February 27, 2017.

ADDRESSES: To ensure proper handling of comments, please reference “Docket No. DEA-402” on all electronic and written correspondence, including any attachments.

- *Electronic comments:* The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the Web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

- *Paper comments:* Paper comments that duplicate the electronic submission are not necessary. Should you wish to mail a paper comment, *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- *Hearing requests:* All requests for a hearing and waivers of participation must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing and waivers of participation should be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrisette Drive, Springfield,

Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at <http://www.regulations.gov>. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to <http://www.regulations.gov> may include any personal identifying information (such

as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this proposed rule are available at <http://www.regulations.gov> for easy reference.

Request for Hearing, or Waiver of Participation in Hearing

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking “on the record after opportunity for a hearing.” Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559. 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D. In accordance with 21 CFR 1308.44(a)–(c), requests for hearing, notices of appearance, and waivers of an opportunity for a hearing or to participate in a hearing may be submitted only by interested persons, defined as those “adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act (21 U.S.C. 811).” 21 CFR 1300.01. Such requests or notices must conform to the requirements of 21 CFR 1308.44(a) or (b), and 1316.47 or 1316.48, as applicable, and include a statement of interest of the person in the proceeding and the objections or issues, if any, concerning which the person desires to be heard. Any waiver must conform to the requirements of 21 CFR 1308.44(c) and may include a written statement regarding the interested person’s position on the matters of fact and law involved in any hearing.

Please note that pursuant to 21 U.S.C. 811(a), the purpose and subject matter of a hearing held in relation to this rulemaking is restricted to: “(A) find[ing] that such drug or other substance has a potential for abuse, and (B) mak[ing] with respect to such drug or other substance the findings prescribed by subsection (b) of section 812 of this title for the schedule in which such drug is to be placed * * *.” All requests for hearing and waivers of participation must be sent to the DEA using the address information provided above.

Legal Authority

The DEA implements and enforces Titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the “Controlled Substances Act” and the “Controlled Substances Import and Export Act,” respectively, and are collectively referred to as the “Controlled Substances Act” or the “CSA” for the

purpose of this action. 21 U.S.C. 801–971. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Under the CSA, controlled substances are classified into one of five schedules based upon their potential for abuse, their currently accepted medical use in treatment in the United States, and the degree of dependence the substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of scheduled substances is published at 21 CFR part 1308.

Pursuant to 21 U.S.C. 811(a)(1), the Attorney General may, by rule, “add to such a schedule or transfer between such schedules any drug or other substance if he (A) finds that such drug or other substance has a potential for abuse, and (B) makes with respect to such drug or other substance the findings prescribed by subsection (b) of section 812 of this title for the schedule in which such drug is to be placed * * *.” The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on her own motion; (2) at the request of the Secretary of the Department of Health and Human Services (HHS);¹ or (3) on the petition of any interested party. 21 U.S.C. 811(a). This proposed action is supported by a recommendation from the Assistant Secretary of the HHS and an evaluation of all other relevant data by the DEA. If finalized, this action would continue to impose the regulatory controls and administrative,

¹ As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary’s scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle AB-CHMINACA, AB-PINACA and THJ-2201.

Background

On January 30, 2015, the DEA published a final order in the **Federal Register** amending 21 CFR 1308.11(h) to temporarily place the three synthetic cannabinoids [1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201); N-1-Amino-3-methyl-1-oxo-2-butanyl-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA); and N-[1-Amino-3-methyl-1-oxo-2-butanyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA) into schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). 80 FR 5042. That final order, which became effective on the date of publication, was based on findings by the Administrator of the DEA that the temporary scheduling of these three synthetic cannabinoids was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). At the time the final order took effect, section 201(h)(2) of the CSA, 21 U.S.C. 811(h)(2), required that the temporary scheduling of a substance expire at the end of two years from the date of the scheduling order, and it provided that, during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, temporary scheduling of that substance could be extended for up to 1 year. Pursuant to 21 U.S.C. 811(h)(2), the temporary scheduling of THJ-2201, AB-PINACA, and AB-CHMINACA expires on January 29, 2017, unless extended. An extension of the temporary order is being ordered by the DEA Administrator in a separate action.

The Administrator of the DEA, on his own motion pursuant to 21 U.S.C. 811(a), has initiated proceedings under 21 U.S.C. 811(a)(1) to permanently schedule THJ-2201, AB-PINACA and AB-CHMINACA. The DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these three synthetic cannabinoids. In accordance with 21 U.S.C. 811(b) and (c), on August 26, 2015, the DEA submitted a request to the HHS to provide the DEA with a scientific and medical evaluation of available information and a scheduling recommendation for THJ-2201, AB-PINACA and AB-CHMINACA. Upon evaluating the scientific and medical evidence, on November 14, 2016, the

HHS submitted to the Administrator of the DEA its three scientific and medical evaluations for these substances. Upon receipt of the scientific and medical evaluations and scheduling recommendations from the HHS, the DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of THJ-2201, AB-PINACA and AB-CHMINACA in accordance with 21 U.S.C. 811(c). The DEA has published a temporary order for the extension of the placement of THJ-2201, AB-PINACA and AB-CHMINACA into schedule I elsewhere in this issue of the **Federal Register**.

Proposed Determination To Schedule THJ-2201, AB-PINACA and AB-CHMINACA

Pursuant to 21 U.S.C. 811(a)(1), proceedings to add a drug or substance to those controlled under the CSA may be initiated by the Attorney General, or her delegate, the DEA Administrator. On August 26, 2015, the DEA requested scientific and medical evaluations and scheduling recommendations from the Assistant Secretary of Health for the U.S. Department of Health and Human Services (HHS) for THJ-2201, AB-PINACA and AB-CHMINACA pursuant to 21 U.S.C. 811(b). Upon receipt of the scientific and medical evaluations and scheduling recommendations from the HHS dated November 14, 2016, the DEA reviewed the documents and all other relevant data and conducted its own eight-factor analysis of the abuse potential of THJ-2201, AB-PINACA and AB-CHMINACA pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by the HHS and the DEA, and as considered by the DEA in its proposed scheduling action. Please note that both the DEA 8-Factor and HHS 8-Factor analyses and the Assistant Secretary's November 14, 2016, letter, are available in their entirety under the tab "Supporting Documents" of the public docket of this action at <http://www.regulations.gov>, under Docket Number "DEA-402."

1. *The Drug's Actual or Relative Potential for Abuse:* The term "abuse" is not defined in the CSA. However, the legislative history of the CSA suggests that the DEA consider the following criteria in determining whether a particular drug or substance has a potential for abuse:²

(a) *There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or*

(b) *There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or*

(c) *Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or*

(d) *The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.*

Through epidemiological and case report data, HHS has demonstrated that the ingestion of AB-CHMINACA, AB-PINACA and/or THJ-2201 in sufficient amounts is creating a hazard to the health and safety of both the individual users and others within the community. Adverse effects observed following the ingestion of synthetic cannabinoids (SCs), including AB-CHMINACA, AB-PINACA and THJ-2201, include nausea and vomiting, shortness of breath or depressed breathing, hypertension, tachycardia, chest pain, muscle twitching, acute renal failure, anxiety, agitation, psychosis, suicidal ideation, and cognitive impairment. The HHS also stated that SCs like AB-CHMINACA, AB-PINACA and THJ-2201 are easily accessible and difficult to detect in standard urine drug screens, which contributes to their popularity and high rates of abuse.

The American Association of Poison Control Centers (AAPCC) reported 7,779 calls to poison centers about exposures to SCs from January 1, 2015 through December 31, 2015. This number is significantly higher than the number of calls in all of 2014 (3,682), or all of 2013 (2,668). In 2015, there was a notable increase in calls during April (1,512) and May (1,205), falling to a stable, but higher baseline for the rest of the year: A seasonal pattern not seen in previous years. In 2016, the numbers of exposure calls (2,695) have dropped again, mirroring those of 2013 (2,668).

Although the AAPCC does not identify specific cannabinoid substances, their data do support the high prevalence of toxic exposures to SCs in general. In 2015, at least 15 calls to Poison Centers regarding SCs exposures were associated with deaths, which is triple the 5 deaths associated with such calls for all of 2014.

The HHS stated that there are no FDA-approved drug products containing AB-CHMINACA, AB-PINACA and THJ-2201 in the United States and there appear to be no legitimate sources for these substances as marketed drugs. Therefore, this criterion for assessing the abuse potential of these SCs is not applicable. According to the HHS, because AB-CHMINACA, AB-PINACA and THJ-2201 are not approved for medical use and are not formulated or available for clinical use, the human use of these substances is assumed to be on an individual's own initiative, rather than on the basis of medical advice from a practitioner licensed by law to administer drugs. Further, published scientific and medical literature, and reports from AAPCC and law enforcement, indicate that individuals are taking these SCs on their own initiative, rather than on the basis of medical advice of a licensed practitioner. As noted by the HHS, pharmacological studies sponsored by the National Institute on Drug Abuse (NIDA) have demonstrated that AB-CHMINACA, AB-PINACA and THJ-2201 are similar to other schedule I SCs. All three of these substances, similar to schedule I SCs, display high affinity binding and potent agonist functional activity at the cannabinoid (CB1) receptor, while drug discrimination studies have demonstrated the ability of all three substances to substitute for Δ^9 -tetrahydrocannabinol (Δ^9 -THC) (see factor 2). The HHS stated in their review that AB-CHMINACA, AB-PINACA and THJ-2201 are markedly more potent at CB1 receptors than the natural phytocannabinoids (cannabinoids that occur naturally in the cannabis plant, i.e. Δ^9 -THC).

2. *Scientific Evidence of the Drug's Pharmacological Effects, if Known:* In vitro receptor binding and functional assays were conducted with AB-CHMINACA, AB-PINACA and THJ-2201. In addition, drug discrimination assays using Sprague Dawley rats were performed to identify drugs with similar subjective effects to Δ^9 -THC. The tetrad assay was also conducted for AB-CHMINACA and AB-PINACA. These results indicate that AB-CHMINACA, AB-PINACA and THJ-2201, similar to other schedule I SCs, bind to CB1

² Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91-1444, 91st Cong., Sess. 1 (1970); reprinted in 1970 U.S.C.A.N. 4566, 4603.

receptors with high affinity and act as agonists at CB1 receptors.

Based on results from the receptor binding (Ki), CB1 functional assay, and drug discrimination studies, the HHS concluded that AB-CHMINACA, AB-PINACA and THJ-2201 act as full psychoactive cannabinoid agonists with no antagonist activity, and that these three substances are more potent than Δ^9 -THC (schedule I), and are similar in activity to JWH-018, AM2201, ADB-PINACA, and AB-FUBINACA (schedule I). As stated by the HHS, these data indicate that AB-CHMINACA, AB-PINACA and THJ-2201 are more potent at producing behavioral pharmacological effects that are recognizable as those produced by the schedule I cannabinoid Δ^9 -THC.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance: The DEA is not aware of any currently accepted medical uses for AB-CHMINACA, AB-PINACA and THJ-2201. A letter dated September 17, 2014 was sent from the DEA Deputy Administrator to the Acting Assistant Secretary for Health, of the Department for Health and Human Services as notification of intent to temporarily place these three substances in schedule I and solicited comments, including whether an exemption or approval was in effect for the substances in question under the Federal Food, Drug and Cosmetic Act. The Acting Assistant Secretary of Health responded that there were no current INDs or NDAs for these synthetic cannabinoids in a letter to the DEA Deputy Administrator dated September 30, 2014. The HHS in its scientific and medical evaluation and scheduling recommendation dated November 14, 2016 reiterated that these three SCs are not the subjects of any approved new drug applications (NDAs) or investigational new drug applications (INDs); are not currently marketed as approved drug products; and have no accepted medical uses in the United States.

4. Its History and Current Pattern of Abuse: Synthetic cannabinoids intended for illicit use were first encountered in the United States in November 2008 during seizure and analysis by the United States Customs and Border Protection (CBP) of a shipment of "Spice" in Dayton, Ohio. The popularity of these cannabinoids and their associated products has increased since January 2010 in the United States as evidenced by the increasing number of seizures and public health and media reports. The HHS noted that SC abuse has been repeatedly noted in athletes, military personnel, employees who undergo frequent drug testing, and other

individuals seeking intoxication while hoping to evade detection. AB-CHMINACA, AB-PINACA and THJ-2201 are another generation of SCs encountered by law enforcement. These substances and their products are commonly marketed as "legal highs" with a disclaimer of "not for human consumption." As detailed in reports, law enforcement and public health officials are encountering the abuse of these substances.

Most users of SCs abuse these substances by smoking the product following application to plant material. Recently, law enforcement has also been encountering new variations of SCs in liquid form. The liquids contain one or more SC(s), including AB-CHMINACA and AB-PINACA, as well as previously controlled substances including AB-FUBINACA and XLR11. Users have been identified as applying the liquid to hookahs (an instrument for vaporizing and smoking a given material whereby the smoke or vapor passes through a water basin prior to inhalation), vaporizers (also known as "vaping" or an "e-cigarette," which allows the user to administer a liquid to be aerosolized and then inhaled), and hookah pens (a type of vaporizer, often much smaller and intended for increased discretion while smoking). As reported by users, specifically adolescents, this method of vaporizing and inhaling SCs is viewed as being safer than traditional smoking (blunt, pipe, cigarette, etc.). In a recent study, 91% of SC users reported inhalation of the product via a cigarette or blunt, 27% of the respondents also reported using methods that included vaporization, water pipe, bong, or hookah as a delivery method.

5. The Scope, Duration, and Significance of Abuse: AB-CHMINACA, AB-PINACA and THJ-2201 are SCs that have pharmacological effects similar to the schedule I hallucinogen Δ^9 -THC. Poison control centers continue to report toxic exposures to SCs and their associated products. These substances remain a threat to both the short- and long-term public health and safety. THJ-2201 was first reported in September 2013 while AB-CHMINACA was first reported in February of 2014. AB-PINACA was encountered on the illicit drug market as early as March 2013. From December 2013 through May 2015, CBP reported select encounters of these substances with most shipments originating in China and intended for destinations within the United States: AB-CHMINACA—50 seizures involving 56.29 kg; AB-PINACA—11 seizures involving 15 kg; THJ-2201—6 seizures involving 5.5 kg. The DEA has reported multiple encounters of large quantities

of AB-CHMINACA, AB-PINACA and THJ-2201 that have been confirmed by forensic laboratories.

6. What, if Any, Risk There is to the Public Health: Clinical symptoms as reported from overdoses with AB-CHMINACA and AB-PINACA in particular have included excited delirium, seizure, coma, agitation, myocardial infarction, convulsions, difficulty breathing, and an altered state of consciousness. The HHS reported that despite the increasing public recognition of the harms of SCs, multiple groups, including athletes, military personnel, employees who undergo frequent drug testing, and individuals seeking intoxication, continue to abuse these substances while hoping to evade detection.

Since abusers obtain these drugs through unknown sources, the purity of these drugs is uncertain, thus posing significant adverse health risks to these users. From October 2013 through the present, multiple deaths and severe overdoses have occurred involving AB-CHMINACA, AB-PINACA and/or THJ-2201.

7. Its Psychic or Physiological Dependence Liability: As stated by the HHS, AB-CHMINACA, AB-PINACA and THJ-2201 have pharmacological profiles that are similar to other schedule I SCs. Although there are no clinical studies evaluating dependence liabilities specific for AB-CHMINACA, AB-PINACA and THJ-2201, the pharmacological profiles of these substances strongly suggest that they possess dependence liabilities that are qualitatively similar to, and potentially stronger than Δ^9 -THC (schedule I) or marijuana (schedule I) and likely to be similar to other schedule I synthetic cannabinoids such as, JWH-018.

8. Whether the Substance is an Immediate Precursor of a Substance Already Controlled Under the CSA: AB-CHMINACA, AB-PINACA and THJ-2201 are not immediate precursors of any controlled substance of the CSA.

Conclusion: After considering the scientific and medical evaluation conducted by the HHS, the HHS's recommendation, and the DEA's own eight-factor analysis, the DEA finds that the facts and all relevant data constitute substantial evidence of the potential for abuse of AB-CHMINACA, AB-PINACA and THJ-2201. As such, the DEA hereby proposes to schedule AB-CHMINACA, AB-PINACA and THJ-2201 as controlled substances under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as

schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for HHS and review of all other available data, the Administrator of the DEA, pursuant to 21 U.S.C. 811(a) and 21 U.S.C. 812(b)(1), finds that:

1. AB-CHMINACA, AB-PINACA and THJ-2201 have a high potential for abuse that is comparable to other schedule I substances such as delta 9-tetrahydrocannabinol (Δ^9 -THC) and JWH-018;

2. AB-CHMINACA, AB-PINACA and THJ-2201 have no currently accepted medical use in treatment in the United States; and

3. There is a lack of accepted safety for use of AB-CHMINACA, AB-PINACA and THJ-2201 under medical supervision.

Based on these findings, the Administrator of the DEA concludes that N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA) and [1-(5-fluoropentyl)-1H-indazole-3-yl](naphthalen-1-yl)methanone (THJ-2201), including their salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, warrant continued control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling AB-CHMINACA, AB-PINACA and THJ-2201

If this rule is finalized as proposed, AB-CHMINACA, AB-PINACA and THJ-2201 would continue³ to be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, of schedule I substances including the following:

1. *Registration.* Any person who handles (manufactures, distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) AB-CHMINACA, AB-PINACA or THJ-2201, or who desires to handle AB-CHMINACA, AB-PINACA or THJ-2201, would continue to be required to be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822,

823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* AB-CHMINACA, AB-PINACA or THJ-2201 would continue to be subject to schedule I security requirements and would need to be handled and stored pursuant to 21 U.S.C. 821, 823 and in accordance with 21 CFR 1301.71–1301.93.

3. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of AB-CHMINACA, AB-PINACA or THJ-2201 would continue to need to be in compliance with 21 U.S.C. 825 and 958(e), and continue to be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers would continue to be permitted to manufacture AB-CHMINACA, AB-PINACA or THJ-2201 in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person who becomes registered with the DEA on or after the effective date of the final rule must take an initial inventory of all stocks of controlled substances (including AB-CHMINACA, AB-PINACA and THJ-2201) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including AB-CHMINACA, AB-PINACA and THJ-2201) on hand every two years, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant would continue to be required to maintain records and submit reports with respect to AB-CHMINACA, AB-PINACA and/or THJ-2201 pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304 and 1312.

7. *Order Forms.* Every DEA registrant who distributes AB-CHMINACA, AB-PINACA or THJ-2201 would continue to be required to comply with the order form requirements, pursuant to 21 U.S.C. 828, and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of AB-CHMINACA, AB-PINACA or THJ-2201 would continue to need to be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving AB-CHMINACA, AB-PINACA or THJ-2201 not authorized by, or in violation of, the CSA or its implementing regulations would continue to be

unlawful, and could subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 and 13563

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

Executive Order 12988

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132

This proposed rulemaking does not have federalism implications warranting the application of Executive Order 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This proposed rule does not have tribal implications warranting the application of Executive Order 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–602, has reviewed this proposed rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. On January 30, 2015, the DEA published a final order to temporarily place these three SCs into schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The DEA estimates that all entities handling or

³ AB-CHMINACA, AB-PINACA and THJ-2201 are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 80 FR 5042, Jan. 30, 2015.

planning to handle AB-CHMINACA, AB-PINACA or THJ-2201 have already established and implemented the systems and processes required to handle AB-CHMINACA, AB-PINACA or THJ-2201. There are currently 25 registrations authorized to handle AB-CHMINACA, AB-PINACA and/or THJ-2201 specifically, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. These 25 registrations represent 18 entities, of which 8 are small entities. Therefore, the DEA estimates eight small entities are affected by this proposed rule.

A review of the 25 registrations indicates that all entities that currently handle AB-CHMINACA, AB-PINACA or THJ-2201 also handle other schedule I controlled substances, and have established and implemented (or maintain) the systems and processes required to handle AB-CHMINACA, AB-PINACA or THJ-2201. Therefore, the DEA anticipates that this proposed rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the eight affected small entities.

Therefore, the DEA has concluded that this proposed rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, the DEA has determined and certifies that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted for inflation) in any one year * * *.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of

information unless it displays a currently valid OMB control number.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.11,

■ a. Add new paragraphs (d)(59) through (61); and

■ b. Remove paragraphs (h)(11) through (13); and

■ c. Redesignate paragraphs (h)(14) through (19) as (h)(11) through (16);

The additions to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(59) <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide (AB-CHMINACA)	(7031)
(60) <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1 <i>H</i> -indazole-3-carboxamide (AB-PINACA)	(7023)
(61) [1-(5-fluoropentyl)-1 <i>H</i> -indazol-3-yl](naphthalen-1-yl)methanone (THJ-2201)	(7024)

Notices

Federal Register

Vol. 82, No. 17

Friday, January 27, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE [1/18/2017 through 1/23/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Macondo, Inc., d/b/a Montecristi Hats.	322 McKenzie Street, Santa Fe, NM 87501.	1/19/2017	The firm manufactures fitted custom straw and felt hats.
Janke Products, LLC	1600 Southeast 37th Street, Oklahoma City, OK 73129.	1/23/2017	The firm manufactures machining parts.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Miriam Kearse,

Lead Program Analyst.

[FR Doc. 2017-01839 Filed 1-26-17; 8:45 am]

BILLING CODE 3510-WH-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-040]

Truck and Bus Tires From the People's Republic of China: Final Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) determines that imports of truck and bus tires from the People's Republic of China (the PRC) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through December 31, 2015. The final dumping margins of sales at LTFV are listed in the "Final Determination" section of this notice.

DATES: Effective January 27, 2017.

FOR FURTHER INFORMATION CONTACT:

Yang Jin Chun or Andre Gziryan, AD/CVD Operations, Office I, Enforcement

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5760 and (202) 482-2201, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Determinations* and the *Amended Preliminary Determination* in the LTFV investigation of truck and bus tires from the PRC on September 6, 2016, and October 14, 2016, respectively.¹ For a complete description of the events that followed the *Preliminary Determinations*, see the

¹ See *Truck and Bus Tires From the People's Republic of China: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances, and Postponement of Final Determination*, 81 FR 61186 (September 6, 2016) (*Preliminary Determinations*) and *Truck and Bus Tires From the People's Republic of China: Amended Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 81 FR 71051 (October 14, 2016) (*Amended Preliminary Determination*).

Issues and Decision Memorandum dated concurrently with, and hereby adopted by, this notice.²

Period of Investigation

The POI is July 1, 2015, through December 31, 2015.

Scope of the Investigation

The products covered by this investigation are truck and bus tires. For a full description of the scope of this investigation, *see* the "Scope of the Investigation" in Appendix I of this notice.

Scope Comments

Two interested parties submitted scope requests shortly before, and after, the *Preliminary Determinations*, after receiving permission from the Department to file their scope requests. The Department received comments concerning these requests and has addressed the comments in the Issues and Decision Memorandum. The scope in Appendix I reflects the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by

parties in this investigation are addressed in the Issues and Decision Memorandum. A list of issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Department's Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), we verified the U.S. sales and factors of production information submitted by Prinx Chengshan (Shandong) Tire Co., Ltd. (PCT) in October 2016.³ We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by PCT.

Changes to the Dumping Margin Calculations

Based on our analysis of the comments received and our findings at verification, we made certain changes to our dumping margin calculations.⁴

Affirmative Final Determination of Critical Circumstances

We preliminarily determined that critical circumstances exist for PCT, the non-selected separate rate respondents, and the PRC-wide entity.⁵ For the final determination, we continue to determine that critical circumstances exist for PCT, the non-selected separate rate respondents, and the PRC-wide entity.⁶

Combination Rates

Consistent with *Preliminary Determinations*⁷ and Policy Bulletin 05.1,⁸ the Department calculated combination rates for the respondents that are eligible for a separate rate in this investigation.

Final Determination

The Department determines that the following weighted-average dumping margins exist:

Exporter	Producer	Weighted average margin (percent)
Prinx Chengshan (Shandong) Tire Co., Ltd	Prinx Chengshan (Shandong) Tire Co., Ltd	9.00
Actyon Tyre Resources Co., Limited	Chao Yang Long March Tyre Co., Ltd	9.00
Actyon Tyre Resources Co., Limited	Shandong Haohua Tires Co., Ltd	9.00
Actyon Tyre Resources Co., Limited	Shandong Longyue Rubber Co., Ltd	9.00
Aosen Tire Co., Ltd	Qingdao Taifa Group Co., Ltd	9.00
Aosen Tire Co., Ltd	Shandong Chuanghua Tire Co., Ltd	9.00
Aosen Tire Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Aosen Tire Co., Ltd	Shandong Hugerubber Co., Ltd	9.00
Aosen Tire Co., Ltd	Shandong Yongsheng Rubber Group Co., Ltd	9.00
Aosen Tire Co., Ltd	Shandong Zhentai Group Co., Ltd	9.00
Beijing BOE Commerce Co., Ltd	China National Tyre & Rubber Guilin Co., Ltd	9.00
Beijing BOE Commerce Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Best Choice International Trade Co., Ltd	Aeolus Tyre Co., Ltd	9.00
Best Choice International Trade Co., Ltd	Qingdao Yellow Sea Rubber Co., Ltd	9.00
Best Choice International Trade Co., Ltd	Shan Dong Kaixuan Rubber Co., Ltd	9.00
Best Choice International Trade Co., Ltd	Sichuan Kalevei Technology Co., Ltd	9.00
Best Choice International Trade Co., Ltd	ZC Rubber Group Co., Ltd	9.00
Bestyre International Industrial Limited	Chaoyang Long March Tyre Co., Ltd	9.00
Bestyre International Industrial Limited	Chaoyang Long March Tyre New Co., Ltd	9.00
BOE Commerce Co., Ltd	Aeolus Tyre Co., Ltd	9.00
BOE Commerce Co., Ltd	China National Tyre & Rubber Guilin Co., Ltd	9.00
BOE Commerce Co., Ltd	Shandong Anchi Tyres Co., Ltd	9.00
BOE Commerce Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
BOE Commerce Co., Ltd	Shandong Hengyu Rubber Co., Ltd	9.00

² See the Memorandum from Associate Deputy Assistant Secretary Gary Taverman to Acting Assistant Secretary Ronald K. Lorentzen, "Truck and Bus Tires from the People's Republic of China: Issues and Decision Memorandum for the Final Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances," dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

³ See the Report, "Less-Than-Fair-Value Investigation of Truck and Bus Tires from the

People's Republic of China: Verification of the Sales and Factors of Production Response of Prinx Chengshan (Shandong) Tire Co., Ltd.," dated November 21, 2016 (Verification Report).

⁴ See Issues and Decision Memorandum for a discussion of these changes.

⁵ See *Preliminary Determinations*, 81 FR at 61187.

⁶ See Issues and Decision Memorandum at 6 and Comment 28.

⁷ See *Preliminary Determinations*, 81 FR at 61187-91.

⁸ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries," dated April 5, 2005 (Policy Bulletin 05.1), available on the Department's Web site at <http://enforcement.trade.gov/policy/bull05-1.pdf>.

Exporter	Producer	Weighted average margin (percent)
BOE Commerce Co., Ltd	Shandong Hengyu Science & Technology Co., Ltd	9.00
BOE Commerce Co., Ltd	Shandong Jinyu Tyre Co., Ltd	9.00
BOE Commerce Co., Ltd	Zhucheng Guoxin Rubber Co., Ltd	9.00
Briway Tire Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Briway Tire Co., Ltd	Shandong Province Sanli Tire Manufactured Co., Ltd	9.00
Briway Tire Co., Ltd	Shandong Vheal Group Co., Ltd	9.00
Briway Tire Co., Ltd	Shandong Wanda Boto Tyre Co., Ltd	9.00
Briway Tire Co., Ltd	Shandong Yinbao Tyre Group Co., Ltd	9.00
Briway Tire Co., Ltd	Shandong Yuelong Group	9.00
Briway Tire Co., Ltd	Sichuan Tyre & Rubber Co., Ltd	9.00
Briway Tire Co., Ltd	Weifang Shunfuchang Rubber and Plastic Products Co., Ltd ..	9.00
Briway Tire Co., Ltd	Sichuan Kalevei Technology Co., Ltd	9.00
Chonche Auto Double Happiness Tyre Corp. Ltd	Chonche Auto Double Happiness Tyre Corp. Ltd	9.00
Chongqing Hankook Tire Co., Ltd	Chongqing Hankook Tire Co., Ltd	9.00
Cooper Tire (China) Investment Co., Ltd	Qingdao Ge Rui Da Rubber Co., Ltd	9.00
Daking Industrial Co., Limited	Shandong Huasheng Rubber Co., Ltd	9.00
Fleming Limited	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Fleming Limited	Qingdao Yellow Sea Rubber Co., Ltd	9.00
Fleming Limited	Shandong Wanshine Tire Co., Ltd	9.00
Fleming Limited	Shandong Yinbao Tyre Group Co., Ltd	9.00
Giti Tire (Anhui) Company Ltd	Giti Tire (Anhui) Company Ltd	9.00
Giti Tire (Anhui) Company Ltd	Giti Tire (Fujian) Company Ltd	9.00
Giti Tire (Anhui) Company Ltd	Giti Tire (Yinchuan) Company Ltd	9.00
Giti Tire (Fujian) Company Ltd	Giti Tire (Anhui) Company Ltd	9.00
Giti Tire (Fujian) Company Ltd	Giti Tire (Fujian) Company Ltd	9.00
Giti Tire (Fujian) Company Ltd	Giti Tire (Yinchuan) Company Ltd	9.00
Giti Tire (Yinchuan) Company Ltd	Giti Tire (Anhui) Company Ltd	9.00
Giti Tire (Yinchuan) Company Ltd	Giti Tire (Fujian) Company Ltd	9.00
Giti Tire (Yinchuan) Company Ltd	Giti Tire (Yinchuan) Company Ltd	9.00
Giti Tire Global Trading Pte. Ltd	Giti Tire (Anhui) Company Ltd	9.00
Giti Tire Global Trading Pte. Ltd	Giti Tire (Fujian) Company Ltd	9.00
Giti Tire Global Trading Pte. Ltd	Giti Tire (Yinchuan) Company Ltd	9.00
Goodyear Dalian Tire Co., Ltd	Goodyear Dalian Tire Co., Ltd	9.00
Hongkong Tiancheng Investment & Trading Co., Limited	Shandong Linglong Tyre Co., Ltd	9.00
Hongtyre Group Co	Prinx Chengshan (Shandong) Tire Co., Ltd	9.00
Hongtyre Group Co	Shandong Bayi Tyre Manufacture Co., Ltd	9.00
Jiangsu General Science Technology Co., Ltd	Jiangsu General Science Technology Co., Ltd	9.00
Jiangsu Hankook Tire Co., Ltd	Jiangsu Hankook Tire Co., Ltd	9.00
Koryo International Industrial Limited	Chaoyang Long March Tyre Co., Ltd	9.00
Koryo International Industrial Limited	Shandong Anchi Tyres Co., Ltd	9.00
Koryo International Industrial Limited	Shandong Hugerubber Co., Ltd	9.00
Koryo International Industrial Limited	Shandong Sangong Rubber Co., Ltd	9.00
Koryo International Industrial Limited	Shandong Wanshine Tire Co., Ltd	9.00
Koryo International Industrial Limited	Sichuan Tyre & Rubber Co., Ltd	9.00
Kumho Tire Co., Inc	Nanjing Kumho Tire Co., Ltd	9.00
Longkou Xinglong Tyre Co., Ltd	Longkou Xinglong Tyre Co., Ltd	9.00
Maxon Int'l Co., Limited	Shandong Anchi Tyres Co., Ltd	9.00
Maxon Int'l Co., Limited	Triangle Tyre Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Ningxia Shenzhou Tire Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Shaanxi Yanchang Petroleum Group Rubber Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Sichuan Kalevei Technology Co., Ltd	9.00
Megalith Industrial Group Co., Ltd	Xingyuan Tire Group Co., Ltd	9.00
Michelin Asia-Pacific Export (HK) Limited	Michelin Shenyang Tire Co., Ltd	9.00
Newland Tyre Int'l Limited	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Noble Manufacture Co., Ltd	Qingdao Hongchi Tyre Co., Ltd	9.00
Philixx Tyres and Accessories Limited	Shandong Huasheng Rubber Co., Ltd	9.00
Philixx Tyres and Accessories Limited	Xingyuan Tire Group Co., Ltd	9.00
Philixx Tyres and Accessories Limited	Shandong Vheal Group Co., Ltd	9.00
Q&J Industrial Group Co., Limited	Chaoyang Langma Co., Ltd	9.00
Q&J Industrial Group Co., Limited	Qiangdao Huanghai Rubber Co., Ltd	9.00
Q&J Industrial Group Co., Limited	Shandong Hongsheng Rubber Co., Ltd	9.00
Q&J Industrial Group Co., Limited	Shandong Huasheng Rubber Co., Ltd	9.00
Q&J Industrial Group Co., Limited	Shandong Xingyuan Group	9.00
Q&J Industrial Group Co., Limited	Sichuan Kailiwei Technology Co., Ltd	9.00
Qingdao Au-Shine Group Co., Ltd	Shandong Gulun Rubber Co., Ltd	9.00
Qingdao Champion International Trading Co., Ltd	Shandong Cocrea Tyre Co., Ltd	9.00
Qingdao Champion International Trading Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Qingdao Champion International Trading Co., Ltd	Zhucheng Sinoroad Rubber Co., Ltd	9.00

Exporter	Producer	Weighted average margin (percent)
Qingdao Fudong Tyre Co., Ltd	Qingdao Fudong Tyre Co., Ltd	9.00
Qingdao Fudong Tyre Co., Ltd	Qingdao Xiyangmen Double Camel Tyre Co., Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Aeolus Tyre Co., Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Chaoyang Long March Tyre Co., Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Chonche Auto Double Happiness Tyre Corp. Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Double Coin Holdings Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Hangzhou Zhongce Rubber Co., Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Qingdao Yellow Sea Rubber Co., Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Qingdao Fullrun Tyre Corp. Ltd	Shandong Xingyuan International Trading Co., Ltd	9.00
Qingdao Ge Rui Da Rubber Co., Ltd	Qingdao Ge Rui Da Rubber Co., Ltd	9.00
Qingdao Honghua Tyre Factory	Qingdao Honghua Tyre Factory	9.00
Qingdao Jinhaoyang International Co., Ltd	Double Coin Holdings Ltd	9.00
Qingdao Jinhaoyang International Co., Ltd	Qingdao Fudong Tyre Co., Ltd	9.00
Qingdao Jinhaoyang International Co., Ltd	Shaanxi Yanchang Petroleum Group Rubber Co., Ltd	9.00
Qingdao Jinhaoyang International Co., Ltd	Zhucheng Guoxin Rubber Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Beijing Landy Tire & Tech Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Chaoyang Long March Tyre Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Chonche Auto Double Happiness Tyre Corp. Ltd	9.00
Qingdao Keter International Co., Ltd	Deruibo Tire Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Shandong Huge Rubber Co., Ltd	9.00
Qingdao Keter International Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Chaoyang Long March Tyre Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Chonche Auto Double Happiness Tyre Corp. Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Doublestar Dongfeng Tyre Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Qingdao Yellow Sea Rubber Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Shandong Xingyuan International Trading Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Shandong Yinbao Tyre Group Co., Ltd	9.00
Qingdao Lakesea Tyre Co., Ltd	Sichuan Kalevei Technology Co., Ltd	9.00
Qingdao Milestone Tyres Co., Limited	Shandong Hugerubber Co., Ltd	9.00
Qingdao Milestone Tyres Co., Limited	Xingyuan Tire Group Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Chaoyang Long March Tyre Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	China National Tyre And Rubber Guilin Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Ningxia Shenzhou Tire Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Hengfeng Rubber & Plastic Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Hengyu Science & Technology Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Wanda Boto Tyre Co., Ltd	9.00
Qingdao Nama Industrial Co., Ltd	Shandong Wanshine Tyre Co., Ltd	9.00
Qingdao Odyking Tyre Co., Ltd	Weifang Shunfuchang Rubber And Plastic Products Co., Ltd ..	9.00
Qingdao Qianzhen Tyre Co., Ltd	Qingdao Qianzhen Tyre Co., Ltd	9.00
Qingdao Qizhou Rubber Co., Ltd	Qingdao Qizhou Rubber Co., Ltd	9.00
Qingdao Rhino International Co., Ltd	Dongying JinZheng Tyre Co., Ltd	9.00
Qingdao Rhino International Co., Ltd	Qingdao Aonuo Group	9.00
Qingdao Rhino International Co., Ltd	Shandong Jinwangda Tire Co., Ltd	9.00
Qingdao Rhino International Co., Ltd	Weihai Ping'an Tyre Co., Ltd	9.00
Qingdao Taihao Tyre Co., Ltd	Qingdao Taihao Tyre Co., Ltd	9.00
Qingdao Tanco Tire Industrial & Commercial Co., Ltd	Hebei Tianrui Rubber Co., Ltd	9.00
Qingdao Tanco Tire Industrial & Commercial Co., Ltd	Shandong Hawk International Rubber Co., Ltd	9.00
Qingdao Tanco Tire Industrial & Commercial Co., Ltd	Xingyuan Tires Group	9.00
Qingdao Yellow Sea Rubber Co., Ltd	Qingdao Yellow Sea Rubber Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Aeolus Tyre Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Bayi Rubber Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Chonche Auto Double Happiness Tyre Corp. Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Double Coin Holdings Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Guizhou Tyre Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Hangzhou Zhongce Rubber Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Haohua Tire Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Hengfeng Rubber and Plastic Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Hengyu Science & Technology Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00

Exporter	Producer	Weighted average margin (percent)
Qingdao Yongdao International Trade Co., Ltd	Shandong Wosen Rubber Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shandong Yongtai Group Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Shengtai Group Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	South China Tire & Rubber Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Weifang Goldshield Tire Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Weifang Shunfuchang Rubber & Plastic Products Co., Ltd	9.00
Qingdao Yongdao International Trade Co., Ltd	Xingyuan Tire Group Co., Ltd	9.00
Rodeo Tire Ltd	Shandong Province Sanli Tire Manufactured Co., Ltd	9.00
Rodeo Tire Ltd	Sichuan Tyre & Rubber Co., Ltd	9.00
Rover Tire Co., Ltd	Aeolus Tyre Co., Ltd	9.00
Rover Tire Co., Ltd	Dongying Fangxing Rubber Co., Ltd	9.00
Rover Tire Co., Ltd	Double Coin Holdings Ltd	9.00
Rover Tire Co., Ltd	Qingdao Doublestar Tire Industrial Co., Ltd	9.00
Rover Tire Co., Ltd	Shandong Hengyu Science & Technology Co., Ltd	9.00
Rover Tire Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Rover Tire Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Rover Tire Co., Ltd	Shandong Longyue Rubber Co., Ltd	9.00
Rover Tire Co., Ltd	Shandong Yongsheng Rubber Group Co., Ltd	9.00
Rover Tire Co., Ltd	Wanli Group Trade Limited	9.00
Rover Tire Co., Ltd	Zhongce Rubber Group Company Limited	9.00
Sailun Jinyu Group Co., Ltd	Sailun Jinyu Group Co., Ltd	9.00
Sailun Jinyu Group Co., Ltd	Shenyang Peace Radial Tyre Manufacturing Co., Ltd	9.00
Shandong Anchi Tyres Co., Ltd	Shandong Anchi Tyres Co., Ltd	9.00
Shandong Haohua Tire Co., Ltd	Shandong Haohua Tire Co., Ltd	9.00
Shandong Haoyu Rubber Co., Ltd	Shandong Haoyu Rubber Co., Ltd	9.00
Shandong Hawk International Rubber Industry Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Shandong Hengfeng Rubber & Plastic Co., Ltd	Shandong Hengfeng Rubber & Plastic Co., Ltd	9.00
Shandong Hengyu Science & Technology Co., Ltd	Shandong Hengyu Science & Technology Co., Ltd	9.00
Shandong Hengyu Science & Technology Co., Ltd	Shandong Hengyu Rubber Co., Ltd	9.00
Shandong Homerun Tires Co., Ltd	Good Friend Tyre Co., Ltd	9.00
Shandong Homerun Tires Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Shandong Homerun Tires Co., Ltd	Shandong Wosen Rubber Co., Ltd	9.00
Shandong Homerun Tires Co., Ltd	Shandong Yongsheng Rubber Group Co., Ltd	9.00
Shandong Homerun Tires Co., Ltd	Weifang Shunfuchang Rubber and Plastic Products Co., Ltd ..	9.00
Shandong Huasheng Rubber Co., Ltd	Shandong Huasheng Rubber Co., Ltd	9.00
Shandong Hugerubber Co., Ltd	Shandong Hugerubber Co., Ltd	9.00
Shandong Huitong Tyre Co., Ltd	Shandong Huitong Tyre Co., Ltd	9.00
Shandong Kaixuan Rubber Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Shandong Linglong Tyre Co., Ltd	Shandong Linglong Tyre Co., Ltd	9.00
Shandong O'Green Tyres Co., Ltd	Shandong O'Green Tyres Co., Ltd	9.00
Shandong Province Sanli Tire Manufactured Co., Ltd	Shandong Province Sanli Tire Manufactured Co., Ltd	9.00
Shandong Sangong Rubber Co., Ltd	Shandong Sangong Rubber Co., Ltd	9.00
Shandong Transtone Tyre Co., Ltd	Shandong Haohua Tire Co., Ltd	9.00
Shandong Transtone Tyre Co., Ltd	Shandong Hongyu Rubber Co., Ltd	9.00
Shandong Transtone Tyre Co., Ltd	Shandong Kaixuan Rubber Co., Ltd	9.00
Shandong Transtone Tyre Co., Ltd	Weifang Yuelong Rubber Co., Ltd	9.00
Shandong Vheal Group Co., Ltd	Shandong Vheal Group Co., Ltd	9.00
Shandong Wanda Boto Tyre Co., Ltd	Shandong Wanda Boto Tyre Co., Ltd	9.00
Shandong Wanshine Tire Co., Ltd	Shandong Wanshine Tire Co., Ltd	9.00
Shandong Xingyuan Tire Group Co., Ltd	Shandong Xingyuan Tire Group Co., Ltd	9.00
Shandong Yinbao Tyre Group Co., Ltd	Shandong Yinbao Tyre Group Co., Ltd	9.00
Shandong Yongfeng Tyres Co., Ltd	Shandong Yongfeng Tyres Co., Ltd	9.00
Shandong Yongsheng Rubber Group Co., Ltd	Shandong Yongsheng Rubber Group Co., Ltd	9.00
Shandong Yongtai Group Co., Ltd	Shandong Yongtai Group Co., Ltd	9.00
Shanghai Durotyre International Trading Co., Ltd	Chaoyang Long March Tyre Co., Ltd	9.00
Shanghai Durotyre International Trading Co., Ltd	Double Happiness Tyre Industrial Co., Ltd	9.00
Shengtai Group Co., Ltd	Shengtai Group Co., Ltd	9.00
Shengtai Group Co., Ltd	Shandong Zhushenghua Rubber Co., Ltd	9.00
Shenzhen Zhongjin Import & Export Co., Ltd	Hefei Wanli Tire Co., Ltd	9.00
Shenzhen Zhongjin Import & Export Co., Ltd	South China Tire & Rubber Co	9.00
Shenzhen Zhongjin Import & Export Co., Ltd	Weifang Shunfuchang Rubber And Plastics Products Co., Ltd ..	9.00
Shifeng Juxing Tire Co., Ltd	Shifeng Juxing Tire Co., Ltd	9.00
Shuma Tyre International (Qingdao) Co., Ltd	Shandong Wanshine Tire Co., Ltd	9.00
Sichuan Kalevei Technology Co., Ltd	Sichuan Kalevei Technology Co., Ltd	9.00
Sinotyre International Group Co., Ltd	Dongying City Fangxing Rubber Co., Ltd	9.00
Sinotyre International Group Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Sportrak Tire Group Limited	Bayi Rubber Co., Ltd	9.00
Sportrak Tire Group Limited	Shaanxi Yanchang Petroleum Group Rubber Co., Ltd	9.00
Sportrak Tire Group Limited	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Tianjin Leviathan International Trade Co., Ltd	NDI Tire (Qingdao) Co., Ltd	9.00
Tianjin Leviathan International Trade Co., Ltd	Qingdao Nama Industrial Co., Ltd	9.00

Exporter	Producer	Weighted average margin (percent)
Tianjin Leviathan International Trade Co., Ltd	Shandong Haohua Tire Co., Ltd	9.00
Tianjin Leviathan International Trade Co., Ltd	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Tianjin Leviathan International Trade Co., Ltd	Xingyuan Tire Group Co., Ltd	9.00
Top Tyre Industry Co., Limited	Shandong Hawk International Rubber Industry Co., Ltd	9.00
Toyo Tire (Zhucheng) Co., Ltd	Toyo Tire (Zhucheng) Co., Ltd	9.00
Triangle Tyre Co., Ltd	Triangle Tyre Co., Ltd	9.00
Tyrechamp Group Co., Limited	South China Tire & Rubber Co., Ltd	9.00
Tyrechamp Group Co., Limited	Zhongce Rubber Group Company Limited	9.00
Wanli Group Trade Limited	South China Tire & Rubber Co., Ltd	9.00
Weifang Shunfuchang Rubber And Plastic Products Co., Ltd ..	Weifang Shunfuchang Rubber And Plastic Products Co., Ltd ..	9.00
Weihai Ping'an Tyre Co., Ltd	Weihai Ping'an Tyre Co., Ltd	9.00
Weihai Zhongwei Rubber Co., Ltd	Weihai Zhongwei Rubber Co., Ltd	9.00
Wendeng Sanfeng Tyre Co., Ltd	Wendeng Sanfeng Tyre Co., Ltd	9.00
Xuzhou Xugong Tyres Co., Ltd	Xuzhou Xugong Tyres Co., Ltd	9.00
Xuzhou Xugong Tyres Co., Ltd	Armour Rubber Company Ltd	9.00
Yokohama Rubber Co., Ltd	Suzhou Yokohama Tire Co., Ltd	9.00
Yongsheng Group Co., Ltd	Shandong Yongsheng Rubber Group Co., Ltd	9.00
Zhongce Rubber Group Co., Ltd	Zhongce Rubber Group Co., Ltd	9.00
Zhucheng Guoxin Rubber Co., Ltd	Zhucheng Guoxin Rubber Co., Ltd	9.00
PRC-Wide Entity	22.57

As detailed in the Issues and Decision Memorandum, Double Coin Holdings Ltd., a mandatory respondent in this investigation, did not demonstrate that it was entitled to a separate rate.⁹ Accordingly, we consider this company to be part of the PRC-wide entity.

Suspension of Liquidation

In accordance with sections 735(c)(4)(A) of the Act, because we continue to find that critical circumstances exist, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of truck and bus tires from the PRC, as described in Appendix I, that were entered, or withdrawn from warehouse, for consumption on or after June 8, 2016, which is 90 days prior to the date of publication of the *Preliminary Determinations*, and to require a cash deposit for such entries.

Pursuant to 19 CFR 351.205(d), upon the publication of this notice, the Department will instruct CBP to require a cash deposit¹⁰ equal to the weighted-average amount by which the normal value exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combinations listed in the table above will be the rate identified in the table; (2) for all combinations of PRC exporters/producers of merchandise under consideration that have not received their own separate rate above, the cash-deposit rate will be the cash

deposit rate established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension of liquidation instructions will remain in effect until further notice.

If the U.S. International Trade Commission (ITC) makes an affirmative final determination,¹¹ we will adjust the cash deposit rates by deducting applicable domestic pass-through and export subsidies rates from the final margins. With respect to PCT, the non-selected respondents eligible for a separate rate, and the PRC-wide entity, the applicable domestic pass-through subsidies and export subsidies respectively constitute 16.58 percent¹² and 11.01 percent¹³ of the final

¹¹ See the International Trade Commission Notification section, *infra*.

¹² See the Memorandum to the File entitled, "Truck and Bus Tires from the People's Republic of China: Final Double Remedy Memorandum," dated concurrently with this notice (Final Double Remedy Memorandum).

¹³ The Department determined that Export Buyer's Credit from State-Owned Banks and Export Seller's Credit from State-Owned Banks were export specific and, from these programs, Double Coin Holdings Ltd. and Guizhou Tyre Co., Ltd., received countervailable subsidies. See the signed **Federal Register** notice of *Truck and Bus Tires from the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination, in Part*, and accompanying Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Truck and Bus Tires from the People's Republic of China; and Final Affirmative Determination of Critical Circumstances, in Part, issued on January 19, 2017,

calculated countervailing duty rate in the concurrent countervailing duty investigation. Thus, if the ITC makes an affirmative final determination, we will offset the rate of 9.00 percent for PCT and the non-selected respondents eligible for a separate rate and the rate of 22.57 percent for the PRC-wide entity by the countervailing duty rate attributable to domestic pass-through subsidies and export subsidies, *i.e.*, 27.59 percent, to calculate the cash deposit rate for this investigation. Accordingly, the cash deposit rates will be zero percent for PCT, the non-selected respondents eligible for a separate rate, and the PRC-wide entity.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the final determination in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise from the PRC no

at 20. See also Final Double Remedy Memorandum at Attachment 1 for our calculation of the export subsidies rate.

⁹ See Issues and Decision Memorandum at Comments 2 through 7.

¹⁰ See *Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations*, 76 FR 61042 (October 3, 2011).

later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order

This notice will serve as a reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: January 19, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of the investigation covers truck and bus tires. Truck and bus tires are new pneumatic tires, of rubber, with a truck or bus size designation. Truck and bus tires covered by this investigation may be tube-type, tubeless, radial, or non-radial.

Subject tires have, at the time of importation, the symbol "DOT" on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have one of the following suffixes in their tire size designation, which also appear on the sidewall of the tire:

TR—Identifies tires for service on trucks or buses to differentiate them from similarly sized passenger car and light truck tires; and

HC—Identifies a 17.5 inch rim diameter code for use on low platform trailers.

All tires with a "TR" or "HC" suffix in their size designations are covered by this investigation regardless of their intended use.

In addition, all tires that lack one of the above suffix markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the "Truck-Bus" section of the *Tire and Rim*

Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Truck and bus tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes truck and bus tires produced in the subject country whether mounted on wheels or rims in the subject country or in a third country. Truck and bus tires are covered whether or not they are accompanied by other parts, e.g., a wheel, rim, axle parts, bolts, nuts, etc. Truck and bus tires that enter attached to a vehicle are not covered by the scope.

Specifically excluded from the scope of this investigation are the following types of tires: (1) Pneumatic tires, of rubber, that are not new, including recycled and retreaded tires; (2) non-pneumatic tires, such as solid rubber tires; and (3) tires that exhibit each of the following physical characteristics: (a) The designation "MH" is molded into the tire's sidewall as part of the size designation; (b) the tire incorporates a warning, prominently molded on the sidewall, that the tire is for "Mobile Home Use Only;" and (c) the tire is of bias construction as evidenced by the fact that the construction code included in the size designation molded into the tire's sidewall is not the letter "R."

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1015 and 4011.20.5020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.69.0020, 4011.69.0090, 4011.70.00, 4011.90.80, 4011.99.4520, 4011.99.4590, 4011.99.8520, 4011.99.8590, 8708.70.4530, 8708.70.6030, 8708.70.6060, and 8716.90.5059.¹⁴

While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Company Abbreviations
- IV. Other Abbreviations
- V. Period of Investigation
- VI. Scope Comments
- VII. Scope of the Investigation
- VIII. Critical Circumstances
- IX. Surrogate Country

¹⁴ On August 26, 2016, the Department included HTSUS subheadings 4011.69.0020, 4011.69.0090, and 8716.90.5059 to the case reference files, pursuant to requests by CBP and the petitioner. See Memorandum to the File entitled, "Requests from Customs and Border Protection and the Petitioner to Update the ACE Case Reference File," dated August 26, 2016. On January 19, 2017, the Department included HTSUS subheadings 4011.70.00 and 4011.90.80 to the case reference files, pursuant to requests by CBP. See Memorandum to the File entitled, "Requests from Customs and Border Protection to Update the ACE Case Reference File," dated January 19, 2017.

- X. Separate Rates
- XI. PRC-Wide Rate
- XII. Margin Calculations
- XIII. Discussion of the Issues
 - a. Separate Rate Eligibility Issues
 - b. Combination Rates
 - c. PCT Issues
 - d. Preliminary Cash Deposit Rates
 - e. Critical Circumstances
 - f. Scope Issues
- XIV. Recommendation

[FR Doc. 2017-01861 Filed 1-26-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-052]

Countervailing Duty Investigation of Certain Hardwood Plywood Products From the People's Republic of China: Postponement of Preliminary Determination

AGENCY: Enforcement and Compliance International Trade Administration, Department of Commerce.

DATES: Effective January 27, 2017.

FOR FURTHER INFORMATION CONTACT:

Justin Neuman at (202) 482-0486, or Matthew Renkey at (202) 482-2312, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2016, the Department of Commerce (Department) initiated the countervailing duty investigation of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (PRC).¹ Currently, the preliminary determination is due no later than February 13, 2017.²

Postponement of Due Date for the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (Act), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, in

¹ See *Certain Hardwood Plywood Products from People's Republic of China: Initiation of Countervailing Duty Investigation*, 81 FR 91131 (December 16, 2016) (*Initiation*).

² The due date actually falls on February 11, 2017, which is a Saturday. Therefore, the deadline moves to the next business day, February 13, 2017. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended*, 70 FR 24533 (May 10, 2008).

accordance with 19 CFR 351.205(e), section 703(c)(1) of the Act permits the Department to postpone the preliminary determination until no later than 130 days after the date on which the Department initiated the investigation if, among other reasons, Petitioners³ make a timely request for a postponement, or the Department concludes that the parties concerned are cooperating and determines that the investigation is extraordinarily complicated. Under 19 CFR 351.205(e), petitioners must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reason for the request. The Department will grant the request unless it finds compelling reasons to deny the request.⁴

In the instant investigation, Petitioners made a timely request, on January 17, 2017, that we postpone the preliminary CVD determination.⁵ In accordance with 19 CFR 351.205(e), Petitioner has stated the reason for requesting a postponement of the preliminary determination, and the Department finds no compelling reason to deny the request. Therefore, pursuant to section 703(c)(1)(A) of the Act, we are extending the due date for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, to April 17, 2017. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 18, 2017.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-01860 Filed 1-26-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-041]

Truck and Bus Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and exporters of truck and bus tires from the People's Republic of China (PRC). For information on the estimated subsidy rates, *see* the "Final Determination" section of this notice. The period of investigation is January 1, 2015, through December 31, 2015.

DATES: Effective January 27, 2017.

FOR FURTHER INFORMATION CONTACT: Jennifer Shore or Mark Kennedy, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2778 or (202) 482-7883, respectively.

Background

The Department published the *Preliminary Determination* on July 5, 2016.¹ A summary of the events that occurred since the Department published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.² The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).

¹ *See Truck and Bus Tires From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Determination*, 81 FR 43577 (July 5, 2016) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

² *See* Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Truck and Bus Tires from the People's Republic of China," dated concurrently with this determination (Issues and Decision Memorandum) and hereby adopted by this notice.

ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The products covered by this investigation are truck and bus tires from the PRC. For a full description of the scope of the investigation, *see* Appendix I.

Scope Comments

Since the *Preliminary Determination*, the Department has received comments on the scope of this investigation from the parties in this investigation. *See* Issues and Decision Memorandum for further details. The scope in Appendix I reflects the final scope language.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix II.

Use of Adverse Facts Available

In making this final determination, the Department relied, in part, on facts available and, because the Government of China and a respondent company did not act to the best of their abilities in responding to the Department's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available, pursuant to section 776(a) and (b) of the Tariff Act of 1930, as amended, (the Act). For further information, *see* the section "Use of Facts Otherwise Available and Adverse Inferences" in the accompanying Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of information requested and received from the GOC and the company respondents since the *Preliminary Determination*, the results of verification, and the comments received from parties, we have made certain changes to the respondents' subsidy rate calculations. For discussion

³ In this investigation, Petitioners are the Coalition for Fair Trade in Hardwood Plywood and its individual members: Columbia Forest Products; Commonwealth Plywood Co., Ltd.; Murphy Plywood; Roseburg Forest Products Co.; States Industries LLC; and Timber Products Company.

⁴ *See* 19 CFR 351.205(e).

⁵ *See* Petitioners' letter of January 17, 2017, requesting postponement of the preliminary determination.

of these changes, see the Issues and Decision Memorandum.

Final Determination of Critical Circumstances, in Part

In the *Preliminary Determination*, the Department found that critical circumstances exist with respect to truck and bus tires from the PRC produced and/or exported by Guizhou Tyre Co., Ltd. (GTC) and its cross-owned trading company, Guizhou Tyre Import and Export Co., Ltd. (GTCIE), but did not exist for Double Coin or all other companies. Upon further analysis of the data following the *Preliminary Determination*, under section 705(a)(2) of the Act, we continue to find that critical circumstances do not exist with respect to imports of truck and bus tires from the PRC for Double Coin and that critical circumstances exist with respect to imports of truck and bus tires from

the PRC for GTC and GTCIE. In addition, for purposes of this final determination, we find that critical circumstances exist with respect to imports of truck and bus tires from the PRC for all other companies. A discussion of our determination can be found in the Issues and Decision Memorandum.

Final Determination

We determine that countervailable subsidies are being provided with respect to the manufacture, production, or exportation of the subject merchandise. In accordance with section 705(c)(1)(B)(i)(I) of the Act, we calculated a CVD rate for each individually-investigated producer/exporter of the subject merchandise. In accordance with section 705(c)(5)(A)(i) of the Act, for companies not individually examined, we apply an

“all-others” rate, which is normally calculated by weighting the subsidy rates of the mandatory respondents by those companies’ exports of the subject merchandise to the United States. Under section 705(c)(5)(A)(i) of the Act, the all-others rate should exclude zero and *de minimis* rates or any rates based entirely on facts otherwise available pursuant to section 776 of the Act. Neither of the mandatory respondents’ rates in this final determination was zero or *de minimis* or based entirely on facts otherwise available. In order to ensure that business proprietary information is not disclosed, we have calculated the all-others rate as a simple average of the countervailable subsidy rates found for the two mandatory respondents.³

We determine the countervailable subsidy rates to be:

Company	Subsidy Rate (percent)
Shanghai Huayi Group Corporation Limited; Double Coin Holdings Ltd.; Double Coin Group (Jiangsu) Tyre Co., Ltd.; Double Coin Group (Chongqing) Tyre Co., Ltd.; Double Coin Group Shanghai Donghai Tyre Co. Ltd.; Double Coin Group (Xinjiang) Kunlun Tyre Co., Ltd	38.61
Guizhou Tyre Import and Export Co., Ltd.; Guizhou Tyre Co., Ltd	65.46
All-Others	52.04

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of truck and bus tires from the PRC exported by Double Coin and all other companies that were entered, or withdrawn from warehouse, for consumption on or after July 5, 2016, the date of the publication of the *Preliminary Determination* in the **Federal Register**. With respect to entries of subject merchandise exported by GTC and GTCIE, as a result of our preliminary affirmative critical circumstances determination, we instructed CBP to suspend liquidation of entries that were entered, or withdrawn from warehouse, for consumption on or after April 6, 2016, which is 90 days before the date of the publication of the *Preliminary Determination* in the **Federal Register**. At that time, we also instructed CBP to collect cash deposits of estimated countervailing duties at the rates determined in the *Preliminary Determination* for such entries of merchandise. In accordance with

section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after November 2, 2016, but to continue the suspension of all entries from April 6, 2016, or July 5, 2016 (for GTC and GTCIE, or Double Coin and all other companies, respectively) through November 1, 2016, as appropriate.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order and will reinstate the suspension of liquidation under section 706(a) of the Act and will require a cash deposit of estimated CVDs for such entries of subject merchandise in the amounts indicated above. On the basis of our final affirmative critical circumstances determination, we will instruct CBP to suspend liquidation on entries of truck and bus tires from China for all other companies effective April 6, 2016. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the

suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/

³ See Memorandum to the File, “Calculation of the All-Others Rate” dated concurrently with this final determination.

destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: January 19, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The scope of the investigation covers truck and bus tires. Truck and bus tires are new pneumatic tires, of rubber, with a truck or bus size designation. Truck and bus tires covered by this investigation may be tube-type, tubeless, radial, or non-radial.

Subject tires have, at the time of importation, the symbol “DOT” on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have one of the following suffixes in their tire size designation, which also appear on the sidewall of the tire:

TR—Identifies tires for service on trucks or buses to differentiate them from similarly sized passenger car and light truck tires; and

HC—Identifies a 17.5 inch rim diameter code for use on low platform trailers.

All tires with a “TR” or “HC” suffix in their size designations are covered by this investigation regardless of their intended use.

In addition, all tires that lack one of the above suffix markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the “Truck-Bus” section of the *Tire and Rim Association Year Book*, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Truck and bus tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes truck and bus tires produced in the subject country whether mounted on wheels or rims in the subject country or in a third country. Truck and bus tires are covered whether or not they are accompanied by other parts, e.g., a wheel, rim, axle parts, bolts, nuts, etc. Truck and bus tires that enter attached to a vehicle are not covered by the scope.

Specifically excluded from the scope of this investigation are the following types of tires: (1) Pneumatic tires, of rubber, that are not new, including recycled and retreaded tires; (2) non-pneumatic tires, such as solid rubber tires; and (3) tires that exhibit each of the following physical characteristics: (a) The designation “MH” is molded into the tire’s sidewall as part of the size designation; (b) the tire incorporates a warning, prominently molded on the sidewall, that the tire is for “Mobile Home Use Only;” and (c) the tire is of bias construction as evidenced by the fact

that the construction code included in the size designation molded into the tire’s sidewall is not the letter “R.”

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1015 and 4011.20.5020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.69.0020, 4011.69.0090, 4011.70.00, 4011.90.80, 4011.99.4520, 4011.99.4590, 4011.99.8520, 4011.99.8590, 8708.70.4530, 8708.70.6030, 8708.70.6060, and 8716.90.5059.⁴

While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Appendix II—List of Topics Discussed in the Final Decision Memorandum

- I. Summary
 - II. Background
 - III. Scope of the Investigation
 - IV. Critical Circumstances
 - V. Application of the Countervailing Duty Law to Imports from the PRC
 - VI. Use of Facts Otherwise Available and Adverse Inferences
 - VII. Subsidies Valuation
 - VIII. Interest Rate Benchmarks; Discount Rates; Input, Electricity, and Land Benchmarks
 - IX. Analysis of Programs
 - X. Analysis of Comments
- Comment 1: Whether there is a Legal Basis for Investigating “Other” and/or “Discovered Subsidies
- Comment 2: Whether to Find Non-Use for the Export Buyer’s Credit Program
- Comment 3: Whether the Department was Able to Verify Non-Use with Exporters for the Export Buyer’s Credit Program
- Comment 4: Whether Information Provided by the Respondents is Sufficient for the Export Buyer’s Credit Program
- Comment 5: Whether to Find the Export Buyer’s Credit Program Countervailable as AFA
- Comment 6: Identification of an AFA Rate for the Export Buyer’s Credit Program
- Comment 7: Whether to Adjust the Ocean Freight and Import Duties Included in the Benchmarks for the Input for LTAR Calculations
- Comment 8: Whether the Ocean Freight Data includes “Aberrational” Prices
- Comment 9: Whether to Use Carbon Black World Market Prices Reported in US Dollars per MT
- Comment 10: Whether to Include Brokerage and Handling Costs in the

Benchmarks for Carbon Black and Nylon Cord

- Comment 11: Whether to Average Benchmark Prices
- Comment 12: Whether to Use Actual Import Prices as the Benchmark for Measuring the Benefits from the Provision of Synthetic Rubber and Butadiene for LTAR
- Comment 13: Whether to Include in the Benefit Calculation Purchases of Synthetic Rubber and Butadiene Produced by a Russian Company
- Comment 14: Whether to Include in the Benefit Calculation Purchases of Inputs from Cross-Owned Affiliates
- Comment 15: Whether to Treat Double Coin as a Parent Company or a Producer for the Purposes of its Sales Denominator
- Comment 16: Whether to Adjust Double Coin’s Sales Denominator
- Comment 17: Whether to Recognize Double Coin’s 2016 Name Change
- Comment 18: Whether to Attribute to Double Coin Subsidies Received by Kunlun Engineering
- Comment 19: Whether to Attribute to Double Coin Subsidies Received by Tyre Research
- Comment 20: Whether to Adjust Guizhou Tyre’s Sales Denominator
- Comment 21: Whether to Include Land Purchases from Affiliates in Calculating the Benefits from the Provision of Land for LTARs
- Comment 22: Whether to Conduct the 0.5 Percent Test on the Basis of all Land Purchases in 2009
- Comment 23: Whether to Adjust the Benchmarks Used in the Measuring the Benefit from the Provision of Land for LTARs
- Comment 24: Whether to Adjustments the Calculations for the Provision of Land for LTARs for Guizhou Tyre
- Comment 25: Whether to Include “Fund” Amounts in the Electricity Price Paid by Guizhou Tyre
- Comment 26: Whether to Adjust the Electricity Benchmark
- Comment 27: Whether the Department Should Have Accepted Additional Loan and Grant Information Presented by Guizhou Tyre at Verification
- Comment 28: Whether to Apply AFA to Guizhou Tyre Regarding its Government Policy Lending Program
- Comment 29: What AFA Rate to Apply to Guizhou Tyre’s Government Policy Lending Program
- Comment 30: Whether to Apply AFA to Grants First Identified at Verification
- Comment 31: Whether to Defer to the First Administrative Review the Investigation of Grants Presented by Guizhou Tyre at Verification
- Comment 32: Whether to Exclude Mobile Home Tires
- Comment 33: Whether to Limit the Exclusion of Tires Attached to Vehicles
- XI. Recommendation

⁴ On August 26, 2016, the Department included HTSUS subheadings 4011.69.0020, 4011.69.0090, and 8716.90.5059 to the case reference files, pursuant to requests by CBP and the petitioner. See Memorandum to the File entitled, “Requests from Customs and Border Protection and the Petitioner to Update the ACE Case Reference File,” dated August 26, 2016. On January 19, 2017, the Department included HTSUS subheadings 4011.70.00 and 4011.90.80 to the case reference files, pursuant to requests by CBP. See Memorandum to the File entitled, “Requests from Customs and Border Protection to Update the ACE Case Reference File,” dated January 19, 2017.

DEPARTMENT OF COMMERCE**International Trade Administration****United States Investment Advisory Council: Meeting of the United States Investment Advisory Council**

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Investment Advisory Council (Council) will hold a meeting on Friday, February 17, 2017. The Council was chartered on April 6, 2016, to advise the Secretary of Commerce on matters relating to the promotion and retention of foreign direct investment in the United States. At the meeting, members will be provided substantive briefings on key Administration priorities moving forward and deliberate and vote on a letter to the Secretary of Commerce, aimed at communicating the value of FDI to continued economic growth and job-creation. The agenda may change to accommodate Council business. The final agenda will be posted on the Department of Commerce Web site for the Council at <http://trade.gov/IAC>, at least one week in advance of the meeting.

DATES: Friday, February 17, 2017, 2:30 p.m.–3:30 p.m. EST. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EST on February 10, 2017.

ADDRESSES: The meeting will be held via teleconference. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: United States Investment Advisory Council, U.S. Department of Commerce, Room 3855, 1401 Constitution Avenue NW., Washington, DC 20230, IAC@trade.gov. Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Danielle Fumagalli, United States Investment Advisory Council, Room 3855, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–2486, email: IAC@trade.gov.

SUPPLEMENTARY INFORMATION:

Background: The Council advises the Secretary of Commerce on matters relating to the promotion and retention of foreign direct investment in the United States.

Public Participation

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the DATES caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may be impossible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EST on February 10, 2017 for inclusion in the meeting records and for circulation to the members of the Council.

In addition, any member of the public may submit pertinent written comments concerning the Council's affairs at any time before or after the meeting. Comments may be submitted to Danielle Fumagalli at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EST on February 10, 2017, to ensure transmission to the Council members prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Statements will be posted on the United States Investment Advisory Council Web site (<http://trade.gov/IAC>) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: January 23, 2017.

Danielle Fumagalli,

Executive Secretary, United States Investment Advisory Council.

[FR Doc. 2017–01837 Filed 1–26–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Ocean Exploration Advisory Board**

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis on National Oceanic and Atmospheric Administration (NOAA), Office of Ocean Exploration and Research (OER) activities; the use of ships and other platforms in ocean exploration, including by non-for-profit organizations and the private sector; and other matters as described in the agenda found on the OEAB Web site at <http://oeab.noaa.gov>.

TIME AND DATES: The announced meeting is scheduled for Wednesday, February 22, 2017 from 12:00 p.m.–6:00 p.m. CST, and Thursday, February 23 from 8:30 a.m.–6:00 p.m. CST.

ADDRESSES: The meeting will be held at the University of Texas Institute for Geophysics, Research Office Complex, Building 196, Second Floor Conference Room, J.J. Pickle Research Campus, 10601 Exploration Way, Austin, TX 78758.

STATUS: The meeting will be open to the public with a 15-minute public comment period on Thursday, February 23, 2017 from 11:45 a.m. to 12:00 p.m. CST (please check the agenda on the Web site to confirm the time). The public may listen to the meeting and provide comments during the public comment period via teleconference. Dial-in information may be found on the meeting agenda posted to the OEAB Web site.

The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to

three minutes. The Designated Federal Officer must receive written comments by February 15, 2017 to provide sufficient time for OEAB review. Written comments received after February 15, 2017 will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

SPECIAL ACCOMODATIONS: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David McKinnie, Designated Federal Officer (see below) by February 15, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, (206) 526-6950.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Dated: January 17, 2017.

Jason Donaldson,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017-01859 Filed 1-26-17; 8:45 am]

BILLING CODE 3510-KA-P

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for the Fort Campbell Training Mission and Mission Support Activities Programmatic Environmental Impact Statement, Fort Campbell, KY

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army and Fort Campbell announce the decision to conduct proposed training mission and mission support activities at Fort Campbell, KY. The action was the preferred alternative identified in the Final Programmatic Environmental Impact Statement (PEIS) for Training, Mission and Mission Support Activities at Fort Campbell. The Record of Decision (ROD) explains the potential environmental and socioeconomic impacts associated with the selected action, which includes implementing site-specific projects in support of Soldier training, using Adaptable Use Zones for future facility siting, streamlining review of routine range and training land actions, and pursuing reactivation of the airspace previously designated as the R3703 A, B, and C restricted airspace. The selected alternative best meets the Army's need to build, update, and operate military training ranges and other facilities on Fort Campbell to ensure that its Soldiers are proficiently trained across the full spectrum of military operations. As part of the implementation of this decision, the Army will take practical measures to mitigate impacts to protect and sustain the environment.

ADDRESSES: The ROD can be accessed and downloaded from [http://www.campbell.army.mil/Installation/Environmental Handbook/Pages/default.aspx](http://www.campbell.army.mil/Installation/Environmental%20Handbook/Pages/default.aspx). Written requests to obtain a copy of the ROD may be sent by email to Mr. Gene Zirkle, gene.a.zirkle.civ@mail.mil, or by postal service to the Fort Campbell NEPA/Wildlife Program Manager, Environmental Division, Building 2159 13th Street, Fort Campbell, KY 42223.

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Gene Zirkle, NEPA/Wildlife Program Manager, Environmental Division, 270-798-9854, during normal working business hours Monday through Friday, 7:30 a.m. to 4:00 p.m. CST; or by email to gene.a.zirkle.civ@mail.mil.

SUPPLEMENTARY INFORMATION: Fort Campbell covers 105,068 acres in Kentucky and Tennessee. Fort Campbell is home to the 101st Airborne Division

(Air Assault), the 5th Special Forces Group, 160th Special Operations Aviation Regiment, and other tenant units. The mission of Fort Campbell is primarily to support and train the units stationed on the installation in preparation for a variety of assigned combat and combat related missions. Fort Campbell is committed to providing Soldiers with a high quality training environment. The selected alternative allows the Army to take the necessary actions to support high quality training at an environmentally sustainable Fort Campbell, including range construction, modernization, and maintenance; land management activities; and reactivation of restricted airspace. The selected alternative best meets the Army's need to build, update, and operate military training ranges and other facilities on Fort Campbell to ensure that its Soldiers are proficiently trained across the full spectrum of military operations.

The selected alternative includes continuing existing military training on Fort Campbell, constructing and operating site-specific projects in support of Soldier training, creating adaptable use zones to facilitate future modernization and range facility construction, implementing routine range and training land actions and environmental stewardship practices, and pursuing reactivation of the airspace previously designated as the R3703 A, B, and C restricted airspace. The ROD incorporates analysis contained in the Final PEIS for Fort Campbell including comments provided during formal comment and review periods. There were no comments received during the waiting period, a period that was initiated when the Notice of Availability for the Final PEIS was published in the **Federal Register** on May 13, 2016 (81 FR 29849).

Implementing this decision is not expected to result in significant impacts; however, moderate adverse impacts could occur to soils, biological resources, and water resources, including potential impacts to the Northern Long Eared Bat. To minimize the potential adverse impacts, the Army will mitigate these effects through a variety of strategies as described in the ROD.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017-01852 Filed 1-26-17; 8:45 am]

BILLING CODE 5001-03-P

DEPARTMENT OF DEFENSE**Department of the Army****Intent To Grant an Exclusive License of U.S. Government-Owned Patents**

AGENCY: Department of the Army, DoD.
ACTION: Notice.

SUMMARY: The comment period for the Intent to Grant an Exclusive License of U.S. Government-Owned Patents published in the **Federal Register** on Friday, December 9, 2016 (81 FR 89087), required comments be postmarked on or before December 24, 2016 and again on January 23, 2017. The comment period has been extended to March 10, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Datlof, Office of Research & Technology Assessment, (301) 619-0033. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808, both at telefax (301) 619-5034.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017-01851 Filed 1-26-17; 8:45 am]

BILLING CODE 5001-03-P

DEPARTMENT OF DEFENSE**Department of the Navy**

[Docket ID: USN-2014-0015]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by February 27, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571-372-0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Academic Certification for Marine Corps Officer Candidate Program; NAVMC Form 10469; OMB Control Number 0703-0011.

Type of Request: Reinstatement with change.

Number of Respondents: 3,500.

Responses per Respondent: 1.

Annual Responses: 3,500.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 875.

Needs and Uses: The Marine Corps Officer Selection Officer (OSO) will submit the completed original NAVMC

Form 10469 with the officer applications for the Platoon Leaders Class and Officer Candidate Course (OCC) Programs, when the applicant has not yet completed the requirements for a degree. This form is to be completed by a school official of the applicant's college or university and verified by the OSO. Use of this form is the only accurate and specific method to determine an officer applicant's academic qualifications.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at Oira_submission@omb.eop.gov. Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350-3100.

Dated: January 23, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017-01823 Filed 1-26-17; 8:45 am]

BILLING CODE 5001-06-P

ELECTION ASSISTANCE COMMISSION**Meeting of the Technical Guidelines Development Committee**

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Election Assistance Commission announces that the Technical Guidelines Development Committee (TGDC) will meet in open session on Monday, February 13, 2017 and Tuesday, February 14, 2017 at the U.S. Access Board in Washington, DC.

DATES: The meeting will be held on Monday, February 13, 2017, from 8:30 a.m. until 5:00 p.m., Eastern time, and Tuesday, February 14, 2017 from 8:30 a.m. to 3:00 p.m., Eastern time (estimated based on speed of business).

ADDRESSES: The meeting will take place at the U.S. Access Board, 1331 F Street NW., Suite 800, Washington, DC 20004-1111; (202) 272-0080. Members of the public wishing to attend the meeting must notify Myesha Steadman by c.o.b. Monday, February 6, 2017, per instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Patricia Wilburg, NIST Voting Program, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8970, Gaithersburg, MD 20899-8930, telephone: (301) 975-6994 or patricia.wilburg@nist.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended, 5 U.S.C. Appendix 2, notice is hereby given that the U.S. Election Assistance Commission's (EAC) Technical Guidelines Development Committee (TGDC) will meet in open session on Monday, February 13, 2017 and Tuesday, February 14, 2017 at the U.S. Access Board in Washington, DC.

Discussions at the meeting will include the following topics: (1) Relating Lessons Learned from 2016 Election to the VVSG; (2) The Working Group and Constituency Group Activities since the September TGDC Meeting that include Interoperability, Cyber Security, Human Factors, and Testing; (3) the scope of the VVSG that includes VVSG Discussion and Final Agreement on Scope; (4) Testing in the Real World as applied to Voting System Test Labs and Manufacturers; (5) DHS—Designation of Critical Infrastructure; and (6) Standards Board/Board of Advisors, Next TGDC Meeting & Wrap-Up. The full meeting agenda will be posted in advance at <http://>

vote.nist.gov/. All sessions of this meeting will be open to the public.

Anyone wishing to attend this meeting must pre-register by c.o.b. Monday, February 6, 2017, in order to attend. To register, contact Myesha Steadman, NIST Voting Program, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8970, Gaithersburg, MD 20899–8930, telephone: (301) 975–3258 or myesha.steadman@nist.gov. Persons attending meetings in the Access Board's conference space are requested to refrain from using perfume, cologne, and other fragrances (see <http://www.access-board.gov/the-board/policies/fragrance-free-environment> for more information). If you are in need of a disability accommodation, such as the need for Sign Language Interpretation, please contact Myesha Steadman by c.o.b. Monday, February 6, 2017.

Members of the public may submit relevant written statements to the TGDC with respect to the meeting no later than 5:00 p.m. EDT on Monday, February 6, 2017. Statements may be sent via email at facaboard@eac.gov, via standard mail addressed to the U.S. Election Assistance Commission, 1335 East-West Highway, Suite 4300, Silver Spring, MD 20910, or by fax at 301–734–3108. All comments will also be posted on <http://vote.nist.gov/>.

The TGDC was established in accordance with the requirements of Section 221, of the Help America Vote Act of 2002 (Pub. L. 107–252, codified at 42 U.S.C 15361), to act in the public interest to assist the Executive Director of the U.S. Election Assistance Commission (EAC) in the development of voluntary voting system guidelines. Details regarding the TGDC's activities are available at <http://vote.nist.gov/>.

This meeting will be open to the public.

Bryan Whitener,

Director, National Clearinghouse on Elections, U.S. Election Assistance Commission.

[FR Doc. 2017–01884 Filed 1–26–17; 8:45 am]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–8091–000]

Fitzgerald, Brian; Notice of Filing

Take notice that on January 12, 2017, Brian Fitzgerald filed an application for authorization to hold interlocking

positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b), Part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45, and Commission Order No. 664, 112 FERC 61,298.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 2, 2017.

Dated: January 13, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–01820 Filed 1–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13519–004]

Lock +TM Hydro Friends Fund XIX, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 13519–004.

c. *Date Filed:* December 28, 2016.

d. *Applicant:* Lock +TM Hydro Friends Fund XIX, LLC.

e. *Name of Project:* Claiborne Hydroelectric Project.

f. *Location:* On the Alabama River, in Monroe County, Alabama. The project would be located at the U.S. Army Corps of Engineers (Corps) Claiborne Lock and Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Wayne Krouse, Hydro Green Energy, LLC, PO Box 43796, Birmingham Alabama 35243; (877) 556–6566 x709, or at wayne@hgenergy.com.

i. *FERC Contact:* Monte TerHaar at (202) 502–6035, or at monte.terhaar@ferc.gov.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See*, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* February 27, 2017.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-13519-004.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The 19.6-megawatt project would be located at the Corps Claiborne Lock and Dam located on the Alabama River at River Mile 72.5. The project would utilize flows originating from the 60-mile-long Claiborne Reservoir and flows released from the Corps' dam. The project would operate in a run-of-release mode, utilizing flows as provided by the Corps. The principle features of the project include: (1) A new powerhouse, adjacent to the existing dam, housing fourteen 1,400 kilowatt bulb turbines; (2) an inflatable crest gate installed on top of the existing overflow spillway; and (3) a sub-station and 5.4-mile-long transmission line.

o. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). A copy is also available for inspection and reproduction at the address in item (h) above.

p. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: January 13, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-01821 Filed 1-26-17; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9031-5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EISs) Filed 01/16/2017 Through 01/20/2017 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20170016, Draft, USFS, CA, Strategic Community Fuelbreak Improvement Project, Comment Period Ends: 03/13/2017, Contact: Jeff Kwasny 831-667-1126

EIS No. 20170017, Final, BR, CA, Long-Term Plan to Protect Adult Salmon in the Lower Klamath River, Review Period Ends: 02/26/2017, Contact: Julia Long 530-276-2044

EIS No. 20170018, Final, DOE, LA, Adoption—Golden Pass LNG Export Project, Review Period, Contact: Kyle Moorman 202-586-7970

The U.S. Department of Energy (DOE) has adopted the Federal Regulatory Commission's FEIS No. 20160180, filed 07/29/2016 with the U.S. EPA. DOE was a cooperating agency for this project. Therefore, recirculating the document is not necessary under Section 1506.3(c) of the CEQ Regulations.

EIS No. 20170019, Draft, USACE, CA, Malibu Creek Ecosystem Restoration, Comment Period Ends: 03/27/2017, Contact: Lawrence Smith 213-452-3846

Amended Notices

EIS No. 20160286, Draft, USACE, NJ, Rahway River Basin Flood Risk Management Plan, Comment Period Ends: 02/07/2017, Contact: Kimberly Rightler 917-790-8722

Revision to the FR Notice Published 12/09/2016: Extending Comment Period from 01/23/2017 to 02/07/2017; and Change Contact Phone No. to 917-790-8722.

EIS No. 20160296, Final, USACE, AL, Update of the Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin in Alabama, Florida, and Georgia and a Water Supply Storage Assessment, Review Period

Ends: 02/01/2017, Contact: Lewis Sumner 251-694-3857

Revision to the FR Notice Published 12/16/2016; Extending Comment Period from 01/17/2017 to 02/01/2017.

Dated: January 23, 2017.

Dawn Roberts,
Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017-01887 Filed 1-26-17; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Wednesday, February 1, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will be Open to the Public.

ITEMS TO BE DISCUSSED: Public Hearing on Internet Communication Disclaimers.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Acting Secretary and Clerk, at (202) 694-1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Dayna C. Brown,
Acting Secretary and Clerk of the Commission.

[FR Doc. 2017-01924 Filed 1-25-17; 11:15 am]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices

of the Board of Governors. Comments must be received not later than February 13, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *MNB 2016 Stock Trust*, Edinburg, Texas and Jose Quiroga, Edinburg, Texas individually and as trustee of the MNB 2016 Stock Trust; to acquire and retain more than 25 percent of the shares and thereby control of MNB Ventures, Inc., and indirectly acquire, Texas National Bank, both of Mercedes, Texas.

Board of Governors of the Federal Reserve System, January 24, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-01850 Filed 1-26-17; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend, for three years, the current PRA clearance for information collection requirements contained in its Informal Dispute Settlement Procedures Rule. That clearance expires on April 30, 2017.

DATES: Comments must be received on or before March 28, 2017.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write "Warranty Rules: Paperwork Comment, FTC File No. P044403" on your comment, and file your comment online at <https://ftcpublish.commentworks.com/ftc/idsprpra> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade

Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT:

Requests for copies of the collection of information and supporting documentation should be addressed to Christine M. Todaro, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., CC-8528, Washington, DC 20580, (202) 326-3711.

SUPPLEMENTARY INFORMATION:

Proposed Information Collection Activities

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501-3520, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. "Collection of information" means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements associated with the Commission's Informal Dispute Settlement Procedures Rule (the Dispute Settlement Rule or the Rule), 16 CFR 703 (OMB Control Number 3084-0113).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. All comments must be received on or before March 28, 2017.

The Dispute Settlement Rule is one of three rules¹ that the FTC implemented pursuant to requirements of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 *et seq.* (Warranty Act or Act).² The Dispute Settlement Rule, 16 CFR 703, specifies the minimum standards which must be met by any

informal dispute settlement mechanism (IDSM) that is incorporated into a written consumer product warranty and which the consumer must use before pursuing legal remedies under the Act in court. In enacting the Warranty Act, Congress recognized the potential benefits of consumer dispute mechanisms as an alternative to the judicial process. Section 110(a) of the Act sets out the Congressional policy to "encourage warrantors to establish procedures whereby consumer disputes are fairly and expeditiously settled through informal dispute settlement mechanisms" and erected a framework for their establishment.³ As an incentive for warrantors to establish IDSMs, Congress provided in Section 110(a)(3) that warrantors may incorporate into their written consumer product warranties a requirement that a consumer must resort to an IDSM before pursuing a legal remedy under the Act for breach of warranty.⁴ To ensure fairness to consumers, however, Congress also directed that, if a warrantor were to incorporate such a "prior resort requirement" into its written warranty, the warrantor must comply with the minimum standards set by the Commission for such IDSMs.⁵ Section 110(a)(2) of the Act directed the Commission to establish those minimum standards.⁶

The Dispute Settlement Rule contains standards for IDSMs, including requirements concerning the mechanism's structure (*e.g.*, funding, staffing, and neutrality), the qualifications of staff or decision makers, the mechanism's procedures for resolving disputes (*e.g.*, notification, investigation, time limits for decisions, and follow-up), recordkeeping, and annual audits. The Rule requires that IDSMs establish written operating procedures and provide copies of those procedures upon request.

The Dispute Settlement Rule applies only to those firms that choose to require consumers to use an IDSM. Neither the Rule nor the Act requires warrantors to set up IDSMs. A warrantor is free to set up an IDSM that does not comply with the Rule as long as the warranty does not contain a prior resort requirement.

Dispute Settlement Rule Burden Statement

Total annual hours burden: 7,841 hours (derived from 5,364

¹ The other two rules relate to the information that must appear in any written warranty offered on a consumer product costing more than \$15 and the pre-sale availability of warranty terms.

² 40 FR 60168 (Dec. 31, 1975).

³ 15 U.S.C. 2310(a).

⁴ 15 U.S.C. 2310(a)(3).

⁵ *Id.*

⁶ 15 U.S.C. 2310(a)(2).

recordkeeping hours + 1,788 reporting hours + 689 disclosure hours).

The primary burden from the Dispute Settlement Rule comes from the recordkeeping requirements that apply to IDSMs that are incorporated into a consumer product warranty through a prior resort clause. A review of the annual audits completed since the prior submission to OMB in 2014 (audits for calendar years 2013 through 2015) indicates that there are two IDSMs operating under the Rule: The BBB AUTO LINE and the National Center for Dispute Settlement (NCDS).

In its 2014 submission to OMB, staff estimated a total annual hours burden of approximately 8,318 hours (derived from 5,757 hours for recordkeeping + 1,919 hours for reporting + 642 hours for disclosures). Although the Rule's information collection requirements have not changed since 2014, staff has adjusted its previous estimates downward for its 2017 calculations because the annual audits filed by the two IDSMs currently operating under the Rule indicate that, on average, fewer disputes have been handled since the previous submission to OMB (11,514 disputes/year in 2014; 10,727 disputes/year in 2017). This factor results in a decreased annual hours burden estimate for the IDSMs. The calculations underlying staff's new estimates follow.

Recordkeeping: The Rule requires IDSMs to maintain records of each consumer warranty dispute that is referred to them. These case files must include information such as the consumer's contact information, the make and model of the product at issue, all letters or other correspondence submitted by the consumer or warrantor, and all evidence collected to resolve the dispute. Because maintaining individual case records is a necessary function for any IDSM, much of the burden would be incurred in the ordinary course of the IDSM's business. Nonetheless, staff retains its previous estimate that maintaining individual case files imposes an additional burden of 30 minutes per case.

The amount of work required will depend on the number of dispute resolution proceedings undertaken in each IDSM. The BBB AUTO LINE audits from calendar years 2013 through 2015 indicate that it handled an average of 9,398 disputes each year.⁷ Audit reports

submitted on behalf of NCDS indicate that it handled an average of 1,329 disputes each year for calendar years 2013 through 2015.⁸

Based on the above figures, staff estimates that the average number of disputes handled annually by IDSMs covered by the Rule is approximately 10,727 (an average of 9,398 disputes handled by BBB AUTO LINE + an average of 1,329 disputes handled by NCDS).⁹ Accordingly, staff estimates the total annual recordkeeping burden attributable to the Rule to be approximately 5,364 hours $((10,727 \text{ disputes} \times 30 \text{ minutes of burden/dispute}) \div 60 \text{ minutes/hour})$.

Reporting: The Rule requires IDSMs to update indexes, complete semiannual statistical summaries, and submit an annual audit report to the FTC. Staff retains its previous estimate that covered entities spend approximately 10 minutes per case for these activities, resulting in a total annual burden of approximately 1,788 hours $((10,727 \text{ disputes} \times 10 \text{ minutes of burden/dispute}) \div 60 \text{ minutes/hour})$.

Disclosure

(a) Warrantors' Disclosure Burden

The Rule requires warrantors that incorporate the use of an IDSM into their warranties to disclose in their warranties a statement about the availability of the IDSM, the contact information for the IDSM, and any "prior resort requirement."¹⁰ Similar to 2014, staff has determined that it would be appropriate to account for the disclosure burden as it relates to warrantors based on two types of additional information that warrantors are required to disclose under the Rule: (1) Information concerning IDSM and its procedures; and (2) information that makes consumers aware of the existence of the IDSM.

First, the Rule requires that warrantors include, either in the warranty or in a separate document accompanying the warranted product, more detailed information concerning the IDSM. Among other things, this information may include: A form addressed to the IDSM, filled out by the consumer, that provides the IDSM with information needed to resolve consumer

disputes, a brief description of IDSM procedures, the time limits adhered to by the IDSM, and the types of information the IDSM might require for prompt resolution of the consumer dispute.¹¹ Because warrantors have the option of providing this additional information in materials separate from the warranty, warrantors likely will bear an additional burden that is separate and apart from whatever burden already imposed on warrantors from drafting warranty terms that comply with Rule 701 (the rule on the disclosure of warranty terms).

Second, the Rule requires that warrantors take steps reasonably calculated to make consumers aware of the IDSM's existence at the time consumers experience warranty disputes.¹² The annual audits—which are required to assess how well warrantors comply with this requirement—demonstrate the different steps warrantors take to inform consumers of the existence of the IDSM procedures. For example, some warrantors create separate pamphlets that deal specifically with the IDSM process. Other warrantors publish entire warranty manuals or booklets, within which several pages are dedicated to the IDSM. Still other warrantors have created posters to alert consumers to the existence of the informal dispute settlement process. Based on this information, it is clear that warrantors bear more than a negligible disclosure burden under the Rule. Accordingly, staff now includes an assessment of the disclosure burden for warrantors in its estimates. A review of the annual audits of the BBB AUTO LINE and the NCDS indicates that there are approximately seventeen automobile manufacturers covered by the Rule. Staff assumes that each manufacturer spends an average of thirty hours a year creating, revising, and distributing the informational materials necessary to comply with the Rule, resulting in an annual disclosure burden of 510 hours $(17 \text{ manufacturers} \times 30 \text{ hours})$.

(b) IDSMs' Disclosure Burden

Under the Rule, a portion of the disclosure burden would be borne by the IDSM itself, which is required to provide to interested consumers, upon request, copies of the various types of information the IDSM possesses, including its annual audits. In addition, consumers who have filed disputes with the IDSM also have a right to copies of their records. IDSMs are permitted to charge for providing both types of

Rule. Nevertheless, staff is using this number to make its current burden estimates.

⁸ According to NCDS' annual audits, the number of disputes both within its jurisdiction and closed each year are 1,719 (2015); 1,184 (2014); and 1,084 (2013).

⁹ Both the BBB AUTOLINE and NCDS report the number of disputes closed each year. Staff is using those numbers to project what will happen over the next three years of OMB clearance for the Rule.

¹⁰ 16 CFR 703.2(b).

¹¹ 16 CFR 703.2(c).

¹² 16 CFR 703.2(d).

⁷ According to its annual audits, the BBB AUTO LINE closed 10,162 disputes in 2015. In 2014 and 2013, respectfully, the BBB AUTO LINE opened and closed 9,038 and 8,995 disputes within the same year. This includes disputes for at least one manufacturer that does not include a prior resort requirement. Therefore, this number likely overstates the number of disputes covered by the

information. Based on discussions with representatives of the IDSMS over the years, staff estimates that the burden imposed by these disclosure requirements is approximately 179 hours per year for the existing IDSMSs. This estimate draws from the average number of disputes closed each year with the IDSMSs (10,727) and the assumption that twenty percent of consumers request copies of the records pertaining to their disputes (approximately 2,145 disputes).¹³ Staff estimates that copying such records would require approximately 5 minutes per dispute, including a negligible number of requests for copies of the annual audit.¹⁴ Thus, the IDSMSs currently operating under the Rule have an estimated total disclosure burden of approximately 179 hours ((2,145 disputes × 5 minutes of burden/dispute) ÷ 60 minutes/hour).

Accordingly, the total PRA-related annual hours burden attributed to the Rule is approximately 7,841 (5,364 hours for recordkeeping + 1,788 hours for reporting + 510 hours for warrantors' disclosures + 179 hours for IDSMS disclosures).

Total annual labor cost: \$159,265.

Recordkeeping: Staff assumes that IDSMSs use clerical staff to comply with the recordkeeping requirements contained in the Rule at an hourly rate of approximately \$15. Thus, the labor cost associated with the 5,364 annual burden hours for recordkeeping is approximately \$80,460 (5,364 burden hours × \$15 per hour).

Reporting: Staff assumes that IDSMSs also use clerical support staff at an hourly rate of \$15 to comply with the reporting requirements. Thus, the labor cost associated with the 1,788 annual burden hours for reporting is approximately \$26,820 (1,788 burden hours × \$15 per hour).

Disclosure: Staff assumes that the work required to comply with the warrantors' disclosure requirements entails an equal mix of legal, clerical, and graphic design work. The legal work entails ensuring that the warranty information and other materials contain the information required to be disclosed by the Rule, as well as reviewing the annual audits for any recommendations for improving the warrantors' materials,

and implementing those recommended changes as appropriate. The graphic design work entails creating pamphlets, brochures, posters, or other materials aimed at making consumers aware of the existence of the IDSMS and its procedures. The clerical work entails copying and distributing those informational materials. Staff assumes that one third of the total disclosure hours for warrantors (170 hours) require legal work at a rate of \$250 per hour, one third require graphic design at a rate of \$25 per hour, and one third require clerical work at a rate of \$15 per hour. This results in a disclosure labor burden of \$49,300 for warrantors ((170 × \$250) + (170 × \$25) + (170 × \$15)).

In addition, staff assumes that IDSMSs use clerical support at an hourly rate of \$15 to reproduce records and, therefore, the labor cost associated with the 179 annual hours of disclosure burden for IDSMSs is approximately \$2,685 (179 burden hours × \$15 per hour).

Accordingly, the combined total annual labor cost for PRA-related burden under the Rule is approximately \$159,265 (\$80,460 for recordkeeping + \$26,820 for reporting + \$51,985 for disclosures).

Total annual capital or other non-labor costs: \$312,759.

Total capital and start-up costs: The Rule imposes no appreciable current capital or start-up costs. The vast majority of warrantors have already developed systems to retain the records and provide the disclosures required by the Rule. Rule compliance does not require the use of any capital goods, other than ordinary office equipment, to which providers already have access.

The Rule imposes only one additional cost on IDSMSs operating under the Rule that would not apply to other IDSMSs: The annual audit requirement. According to representatives of the IDSMSs, the vast majority of costs associated with this requirement consist of the fees paid to the auditors and their staffs to perform the annual audit. Representatives of the IDSMSs previously estimated a combined cost of \$300,000 for both IDSMSs currently operating under the Rule. Staff retains that estimate.

Other non-labor costs: \$12,759 in copying costs, based on estimated copying costs of 7 cents per page and several conservative assumptions. Staff estimates that the average dispute-related file contains 35 pages and a typical annual audit file contains approximately 200 pages. As discussed above, staff assumes that the IDSMSs operating under the Rule will copy approximately twenty percent of dispute files (2,145).

Staff also estimates that a very small minority of consumers request a copy of the annual audit. Staff bases this assumption on (1) the number of consumer requests received by the IDSMSs in the past; and (2) the fact that the IDSMSs' annual audits are available online. For example, annual audits are available on the FTC's Web site, where consumers may view and/or print pages as needed, at no cost to the IDSMS. In addition, the Better Business Bureau makes available on its Web site the annual audit of the BBB AUTO LINE. Therefore, staff conservatively estimates that only five percent of consumers using an IDSMS covered by the Rule will request a copy of the IDSMS's audit report (approximately 536 audit reports).¹⁵

Thus, the total annual copying cost for dispute-related files is approximately \$5,255 (35 pages per file × \$.07 per page × 2,145 disputes) and the total annual copying cost for annual audit reports is approximately \$7,504 (200 pages per audit report × \$.07 per page × 536 audit reports). Accordingly, the total cost attributed to copying under the Rule is approximately \$12,759. Thus, the total non-labor cost under the Rule is approximately \$312,759 (\$300,000 for auditor fees + \$12,759 for copying costs).

Request for Comments

You can file a comment online or on paper. Write "Warranty Rules: Paperwork Comment, FTC File No. P044403" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health

¹³ This assumes each dispute is associated with one consumer.

¹⁴ This estimate includes the additional amount of time required to copy the annual audit upon a consumer's request. However, because staff has determined that a very small minority of consumers request a copy of the annual audit, this estimate is likely an overstatement. In addition, some case files are provided to consumers electronically, which further reduces the paperwork burden borne by the IDSMSs.

¹⁵ This estimate assumes each dispute is associated with one consumer.

information. In addition, do not include any “[t]rade secret or any commercial or financial information which is . . . privileged or confidential,” as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).¹⁶ Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, the Commission encourages you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/idsprpra> by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov>,

you also may file a comment through that Web site.

If you file your comment on paper, write “Warranty Rules: Paperwork Comment, FTC File No. P044403” on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at <http://www.ftc.gov> to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 28, 2017. You can find more information, including routine uses permitted by the Privacy Act, in the Commission’s privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2017–01857 Filed 1–26–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Funding Opportunity Announcements and Performance Progress Reporting for Family Violence Prevention and Services Act Formula Grantees.

Title: Family Violence Prevention and Services: Grants to States; Native American Tribes and Alaskan Native Villages; and State Domestic Violence Coalitions.

OMB No.: 0970–0280.

Description: The Family Violence Prevention and Services Act (FVPSA), 42 U.S.C. 10401 *et seq.*, authorizes the Department of Health and Human Services to award grants to States, Tribes and Tribal Organizations, and State Domestic Violence Coalitions for family violence prevention and intervention activities. The proposed information collection activities will be used to make grant award decisions and to monitor grant performance.

Respondents: State Agencies Administering FVPSA Grants; Tribal Governments and Tribal Organizations; and State Domestic Violence Coalitions.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Grant Application	53	1	10	530
Tribal Grant Application	150	1	5	750
State Domestic Violence Coalition Application	56	1	10	560
State FVPSA Grant Performance Progress Report	53	1	10	530
Tribal FVPSA Grant Performance Progress Report	150	1	10	1,500
State Domestic Violence Coalition Performance Progress Report	56	1	10	560

Estimated Total Annual Burden Hours: 4,430.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap. 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington DC 20201. Attn: ACF

Reports Clearance Officer. Email address: infocollection@acf.hhs.gov. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–01855 Filed 1–26–17; 8:45 am]

BILLING CODE 4184–01–P

¹⁶ In particular, the written request for confidential treatment that accompanies the

comment must include the factual and legal basis for the request, and must identify the specific

portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee AMS.

Date: February 16–17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, National Institute of Health/NIAMS, 6701 Democracy Blvd., Suite 814 Plaza One, Bethesda, MD 20817, 301–594–4952 linh1@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 23, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–01814 Filed 1–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; VSL Clinical Trial Review.

Date: February 2, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, yangshi@nidcd.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; VSL Fellowships Review.

Date: February 14, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, singhs@nidcd.nih.gov.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; P50 Review.

Date: February 28, 2017.

Time: 12:15 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, rayk@nidcd.nih.gov.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; AIED Clinical Trial Review.

Date: March 8, 2017.

Time: 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, rayk@nidcd.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 23, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–01813 Filed 1–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Gut Immunity and Microbiome.

Date: February 21, 2017.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Meenakshisundar Ananthanarayanan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, Bethesda, MD 20817, 301–435–1234, ananth.ananthanarayanan@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.

Date: February 22–23, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892-7892, (301) 402-6297, pileggia@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Healthcare Delivery and Methodologies Research.

Date: February 22, 2017.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Agenda: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015 (Telephone Conference Call).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806-0009, brontetinkewjm@csr.nih.gov.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Cell Biology Study Section.

Date: February 23-24, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Argonaut Hotel, 495 Jefferson Street, San Francisco, CA 94109.

Contact Person: Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301-408-9850, morrowcs@csr.nih.gov.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Microenvironment Study Section.

Date: February 23-24, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Angela Y Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, Bethesda, MD 20892, 301-435-1715, ngan@mail.nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.

Date: February 24, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dana on Mission Bay, 1710 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175,

MSC 7892, Bethesda, MD 20892, 301-435-1154, dianne.hardy@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skeletal Biology and Disease.

Date: February 24, 2017.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435-1222, nurminskayam@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 23, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01815 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; NST-1 Subcommittee.

Date: February 27-28, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Catamaran Resort, 3999 Mission Boulevard, San Diego, CA 92109.

Contact Person: William Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892-9529, (301) 496-0660, benzingw@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: January 23, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01812 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Revision Applications for Biological Comparisons in Patient-Derived Models of Cancer (U01).

Date: February 24, 2017.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Thomas A. Winters, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W112, Rockville, MD 20892-9750, 240-276-6386, twinters@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational Exploratory/Developmental Studies (R21).

Date: February 27-28, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review

Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W240, Rockville, MD 20892-9750, 240-276-5122, hasan.siddiqui@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational Exploratory/Developmental Studies (R03 & R21).

Date: February 28, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Thomas A. Winters, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W112, Rockville, MD 20892-9750, 240-276-6386, twinters@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis; Panel Molecularly Targeted Radiation Therapy.

Date: March 1, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W538, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Ivan Ding, MD, Scientific Review Officer, Program & Review Extramural Staff Training Office, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W534, Rockville, MD 20892-9750 240-276-6444, dingi@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Differential Isolation of Exosomes.

Date: March 1, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W030, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W114, Rockville, MD 20892-9750, 240-276-6371, decluej@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Radiation Therapy and Biomarker Identification.

Date: March 2, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W538, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Ivan Ding, MD, Scientific Review Officer, Program & Review Extramural Staff Training Office, Division of Extramural Activities, National Cancer

Institute, 9609 Medical Center Drive, Room 7W534, Rockville, MD 20892-9750, 240-276-6444, dingi@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Informatics Technologies for Cancer Research.

Date: March 9-10, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W260, Rockville, MD 20892-9750, 240-276-5856, nadeem.khan@nih.gov

Name of Committee: National Cancer Institute Special Emphasis Panel; Outstanding Investigator Award—I.

Date: March 9-10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Shamala K. Srinivas, Ph.D., Scientific Review Officer, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W530, Rockville, MD 20892-9750, 240-276-6442, ss537t@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI R03/R21 SEP-3.

Date: March 9-10, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W242, Rockville, MD 20892-9750, 240-276-6372, zouzhiq@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 24, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01867 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Centers of Biomedical Research Excellence (COBRE) P20.

Date: March 14, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892-6200, 301-402-9448, shinako.takada@nih.gov.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of F12 Applications: Postdoctoral Research Associate (PRAT) Program.

Date: March 22, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Cambria Hotel, 1 Helen Heneghan Way, Rockville, MD 20850.

Contact Person: Robert Horowitz, Ph.D., Scientific Review Officer, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892-6200, 301-594-6904, horowitr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 23, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01817 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Collaborative Initiative on Fetal Alcohol Spectrum Disorders Consortium; Review (RFA AA 17-007,008,009,010,011 & 012).

Date: March 14, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer; National Institute on Alcohol Abuse and Alcoholism; National Institutes of Health; 5635 Fishers Lane, Rm 2081; Rockville, MD 20852; 301-443-0800 bbuzas@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: January 23, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01816 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Training Grants Review Meeting.

Date: February 21, 2017.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health/NIAMS, 6701 Democracy Boulevard, Suite 824, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 824, Bethesda, MD 20892, 301-594-4952, liuy@exchange.nih.gov.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; AMSC Member Conflict Review Meeting.

Date: February 22, 2017.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health/NIAMS, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301-594-4952, linh1@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 24, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01868 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Fellowship Training Grants.

Date: February 14, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Office of Review, Division of Extramural Activities, National Institute of Nursing Research, National Institutes of Health, One Democracy Plaza, Room 703, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mario Rinaudo, M.D., Scientific Review Officer, Office of Review, Division of Extramural Activities, National Institutes of Nursing Research, National Institute of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 703, Bethesda, MD 20892, 301-402-5807, mrinaudo@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: January 23, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-01811 Filed 1-26-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5995-N-4]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402-3970; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), call the toll-free Title V information line at 800-927-7588 or send an email to title5@hud.gov.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days

from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 12-07, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 or send an email to title5@hud.gov for detailed instructions, or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (e.g., acreage, floor plan, condition of property, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following address(es): AIR FORCE: Mr. Robert E. Moriarty, P.E., AFCEC/CI,

2261 Hughes Avenue, Ste. 155, JBSA Lackland TX 78236-9853, (315) 225-7384; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501-0084; NAVY: Ms. Nikki Hunt, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374, (202) 685-9426; VETERAN AFFAIRS: Ms. Jessica L. Kaplan, Director, Real Property Service, Department of Veterans Affairs, 810 Vermont Avenue NW., (003C1E), Washington, DC 20420, (202) 273-8234; (These are not toll-free numbers).

Dated: January 18, 2017.

Brian P. Fitzmaurice,
*Director, Division of Community Assistance,
Office of Special Needs Assistance Programs.*

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 01/27/2017

Suitable/Available Properties

Building

California

Mission Street Parking
1064 & 1068 Mission Street
San Francisco CA 94103
Landholding Agency: GSA
Property Number: 54201710008
Status: Excess
GSA Number: 9-G-CA-1704-AB
Directions: Small office building 6,310 sq. ft.;
property contains 1.2 acres of paved land
Comments: Good to fair conditions; lead-based paint and non-friable asbestos present; contact GSA for more details/conditions pertaining to property.

Colorado

3 Buildings
Denver VA Medical Center Campus
Denver CO 80220
Landholding Agency: VA
Property Number: 97201710001
Status: Underutilized
Directions: Building 7 (10,800 sq. ft.);
Building 23 (7,000 sq. ft.); Building C (4,500 sq. ft.)
Comments: 14± - 65± yrs. old; sq. ft.; listed above; housekeeping/staff; research; controlled access 7:30 a.m.-4:00 p.m.; bldg. 7 has potential asbestos was abated but doc is vague; contact VA for more info.

Texas

Former Comstock Border Patrol Facility Parcel I
Langtry & Hwy 90 W (32144 Hwy 90 W
Comstock TX 78837
Landholding Agency: GSA
Property Number: 54201710006
Status: Surplus
GSA Number: 7-X-TX-0653-AB
Directions: (RPUID): TX0405, TX0404
Disposal Agency: GSA; Land Holding Agency: Department of Homeland Security

Comments: 55± Yrs. old; old admin. bldg.; 3,320 sq. ft.; old processing bldg.; 3,485 sq. ft.; vacant 24 mos.; sits on .39 fee acres; contact GSA for more information.

Land

Montana

Canyon Ferry Reservoir Townsend Parcel III
99 Delger Road
Townsend MT 59644
Landholding Agency: GSA
Property Number: 54201710003
Status: Surplus
GSA Number: 7-D-MT-06377-AA
Directions: Disposal Agency: GSA;
Landholding Agency: Interior
Comments: 59.01 acres; contact GSA for more information.

Canyon Ferry Reservoir Townsend Parcel I
Southwest Corner of Centerville Rd. & Mill Rd
Townsend MT 59644
Landholding Agency: GSA
Property Number: 54201710004
Status: Surplus
GSA Number: 7-D-MT-06377-AA
Directions: Disposal Agency: GSA;
Landholding Agency: Interior
Comments: 10.54 acres; contact GSA for more information.

Canyon Ferry Reservoir Townsend Parcel II
96 Canton Lane
Townsend MT 59644
Landholding Agency: GSA
Property Number: 54201710005
Status: Surplus
GSA Number: 7-D-MT-0637-AA
Directions: Disposal Agency: GSA;
Landholding Agency: Interior
Comments: 89.1 acres; contact GSA for more information.

Virginia

IAD Centreville Outer Marker
14201 Braddock Road
Centreville VA 20120
Landholding Agency: GSA
Property Number: 54201710007
Status: Excess
GSA Number: VA-1166-AA
Comments: .26 acres/11,325.60 sq. ft.; contact GSA for more information.

Unsuitable Properties

Building

Hawaii

2 Buildings
Marine Corps Base Hawaii, Kaneohe Bay
Kaneohe Bay HI 96863
Landholding Agency: Navy
Property Number: 77201710002
Status: Excess
Directions:
Building 3026 & 3027
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area
Pacific Missile Range Facility
Barking Sands
South of Tarter Dr. & E of Nohili Road
Kauai HI

Landholding Agency: Navy
Property Number: 77201710004
Status: Unutilized
Comments: Public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Minnesota

Facility 206- Base Exchange
4970 Airport Road
FMKM Duluth Air National Guard Base
Duluth MN 55811
Landholding Agency: Air Force
Property Number: 18201710001
Status: Excess
Comments: Property within 2,000 ft. of flammable or explosive materials that are located on Federal facility.
Reasons: Within 2000 ft. of flammable or explosive material

Texas

Geothermal Well & Electrical
Power Generation Site
Naval Air Station
Corpus Christi TX
Landholding Agency: Navy
Property Number: 77201710003
Status: Excess
Comments: Public access denied and no alternative method to gain access without compromising national security; property located within floodway which has not been correct of contained.
Reasons: Secured Area; Floodway
[FR Doc. 2017-01545 Filed 1-26-17; 8:45 am]
BILLING CODE 4210-67-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-971]

Certain Air Mattress Systems, Components Thereof, and Methods of Using the Same Commission Determination To Review in Part a Final Initial Determination; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined to review in part the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) finding no violation of section 337 of the Tariff Act of 1930, as amended (“section 337”), in the above-referenced investigation on November 18, 2016.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 20, 2015, based on a complaint filed by Select Comfort Corporation of Minneapolis, Minnesota and Select Comfort SC Corporation of Greenville, South Carolina (collectively, “Select Comfort,” or “Complainants”). 80 FR 72738 (Nov. 20, 2015). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain air mattress systems, components thereof, and methods of using the same by reason of infringement of certain claims of U.S. Patent Nos. 5,904,172 (“the ‘172 patent”) and 7,389,554 (“the ‘554 patent”). *Id.* The notice of investigation names as respondents Sizewise Rentals LLC of Kansas City, Missouri; American National Manufacturing Inc. of Corona, California; and Dires LLC and Dires LLC d/b/a Personal Comfort Beds of Orlando, Florida (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation. *Id.*

Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the Commission ordered that the presiding ALJ:

[S]hall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).

80 FR 72738 (Nov. 20, 2015).

The evidentiary hearing on the question of violation of section 337 was

held August 8–12, 2016. The final ID on violation was issued on November 18, 2016. The ALJ issued his recommended determination on remedy, the public interest and bonding on the same day. The ALJ found no violation of section 337 in this investigation. The ALJ recommended that if the Commission finds a violation of section 337 in the present investigation, the Commission issue a limited exclusion order (“LEO”) prohibiting the importation of Respondents’ air controllers and air mattress systems found to infringe the asserted patents. The ALJ also recommended the inclusion of a provision for the ‘554 patent, whereby Respondents certify that certain imports are not covered by the LEO because they contain components for use in non-infringing products.

The ALJ did not recommend that the Commission issue a cease and desist order in this investigation. The ALJ further recommended a zero bond during the period of Presidential review.

All parties to this investigation filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions.

On December 19, 2016, both Complainants and Respondents filed their respective Public Interest Statement pursuant to 19 CFR 210.50(a)(4). Responses from public were likewise received by the Commission pursuant to notice. *See* Notice of Request for Statements on the Public Interest (Nov. 29, 2016).

Having examined the record in this investigation, including the final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in part. In particular, the Commission has determined as follows:

(1) To review the ID’s findings that the P5000, P6000, and Arco products do not meet “guides and stops” limitation in claim 2 of the ‘172 patent, and that these products do not meet the same claim limitation in claim 12 of the ‘172 patent and for that reason do not infringe that claim;

(2) to review the ID’s finding that the ‘172 Accused Products do not meet claim limitation “pressure monitor means being operably coupled to the processor and being in fluid communications with the at least one bladder for continuously monitoring the pressure in the at least one bladder” in claims 2, 6, 20, 22, and 24 of the ‘172 patent;

(3) to review the ID’s finding that the ‘172 Accused Products do not infringe claim 9 of the ‘172 patent;

(4) to review, in part, the ID’s analysis regarding whether the ‘172 Accused Products infringe claim 2 of the ‘172 patent for the limited purpose of taking no position on the ALJ’s discussion in the last paragraph of page 20 and in the first paragraph of page 21 of the ID;

(5) to review the ID’s finding that claim 16 of the ‘554 patent is not infringed because Complainants did not establish that the accused products practice the “air posturizing sleep surface” limitation;

(6) to review the ID’s finding that the ‘554 Domestic Industry Products do not practice the ‘554 patent;

(7) to review the ID’s finding that Complainants did not satisfy the economic prong of the domestic industry requirement with respect to both the ‘172 and ‘554 patents.

The Commission has determined not to review the remainder of the ID.

The parties are requested to brief their positions on only the following issues, with reference to the applicable law and the evidentiary record:

1. The ID finds that: “Because Select Comfort asserts that guides and stops of the P5000, P6000, and Arco products are screws and screw bores, the undersigned finds that Select Comfort has failed to establish that these products meet this limitation.” ID at 27.

a. Does the record support a finding that “Select Comfort asserts that guides and stops of the P5000, P6000, and Arco products are screws and screw bores?”

b. Does the record show that P5000, P6000, and Arco products meet the guides and stops limitation in claims 2 and 12 of the ‘172 patent?

2. The ID finds that because Complainants did not establish that the ‘172 Accused Products continuously monitor pressure using a processor in conjunction with the transducer, the ‘172 Accused Products do not meet claim limitation “and pressure monitor means being operably coupled to the processor and being in fluid communications with the at least one bladder for continuously monitoring the pressure in the at least one bladder.” ID at 32; *see id.* at 29–32.

a. To the extent not already briefed to the Commission, please discuss whether the record supports the ID’s finding (with supporting citations to the record evidence).

3. The ID finds that: “Claim 9, like claim 2, includes the term ‘continuously monitoring.’ For the reasons stated above in the discussion of claim 2, claim 9 is not infringed because Select Comfort did not establish that the ‘172 Accused Products ‘continuously monitor’ pressure.” ID at 32.

a. Does the record show that claim 9 of the ‘172 patent is not infringed because Select Comfort did not establish that the ‘172 Accused Products “continuously monitor” pressure?

4. The ID finds that: “Claim 16, like claim 1, includes the term ‘air posturizing sleep surface.’ For the reasons stated above in the discussion of claim 1, claim 16 is not infringed

because Select Comfort did not establish that the accused products practice the ‘air posturizing sleep surface’ limitation.” ID at 70.

a. Does the record show that the accused products infringe the “air posturizing sleep surface” limitation of claim 16 of the ‘554 patent?

5. Does the record show that the ‘554 Domestic Industry Products practice the ‘554 patent?

6. The ID finds that: “Claim 16, like claim 1, includes the term ‘air posturizing sleep surface.’ For the reasons stated above in the discussion of claim 1, the ‘554 DI products do not practice claim 16 because they do not meet the ‘air posturizing sleep surface’ limitation.” ID at 75.

a. Does the record show that the ‘554 DI products practice the “air posturizing sleep surface” limitation of claim 16 of the ‘554 patent?

7. With respect to Complainants’ investment in plant and equipment alleged under 19 U.S.C. 1337(a)(3)(A) the ID finds that:

While the Commission has stated that a precise allocation of expenses among various DI products is not necessary, that precedent cannot mean that Select Comfort’s proposed allocation is acceptable; *i.e.*, allocating 100% of the rental expenses to the ‘172 patent, and then a portion of those same expenses to the ‘554 patent DI products. Accordingly, Select Comfort has not shown a domestic industry for either the ‘172 patent or the ‘554 patent based upon 19 U.S.C. 1337(a)(3)(A).

ID at 89–90.

a. Do Commission and judicial precedents and the record in the present investigation support the ID’s finding?

b. Please explain with citation to the record what portion of the asserted domestic investment in plant and equipment, in terms of the dollar amount and percentage, can be allocated to the articles that practice the ‘172 patent.

c. Does the record show that Complainants’ investment in plant and equipment under 19 U.S.C. 1337(a)(3)(A) is significant with respect to the articles that practice the ‘172 patent?

d. Please explain with citation to the record what portion of the asserted domestic investment in plant and equipment, in terms of the dollar amount and percentage, can be allocated to the articles that practice the ‘554 patent.

e. Does the record show that Complainants’ investment in plant and equipment under 19 U.S.C. 1337(a)(3)(A) is significant with respect to the articles that practice the ‘554 patent?

8. With respect to Complainants' employment of labor or capital alleged under 19 U.S.C. 1337(a)(3)(B) the ID finds that:

As with the plant and equipment issue in the previous section, Select Comfort has again allocated 100% of the relevant expense (in this section, employee compensation) to the '172 patent DI products and then allocated a portion of those same expenses to the '554 DI products. (CX-0445 at Q/A 59, 62; CX-0449C at Q/A 52; CIB at 92-93.) For the reasons set forth in the previous section, this argument is not persuasive. Accordingly, Select Comfort has not shown a domestic industry for either the '172 patent or the '554 patent based upon 19 U.S.C. 1337(a)(3)(B).

ID at 91.

a. Do Commission and judicial precedents and the record in the present investigation support the ID's finding?

b. Please explain with citation to the record what portion of the asserted domestic employment of labor or capital, in terms of the dollar amount and percentage, can be allocated to the articles that practice the '172 patent.

c. Does the record show that Complainants' employment of labor or capital under 19 U.S.C. 1337(a)(3)(B) is significant with respect to the articles that practice the '172 patent?

d. Please explain with citation to the record what portion of the asserted domestic employment of labor or capital, in terms of the dollar amount and percentage, can be allocated to the articles that practice the '554 patent.

e. Does the record show that Complainants' employment of labor or capital under 19 U.S.C. 1337(a)(3)(B) is significant with respect to the articles that practice the '554 patent?

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest and bonding. Such submissions should address the recommended determination on remedy, the public interest and bonding issued on December 1, 2016, by the ALJ. Complainants and the Commission investigative attorney ("IA") are also requested to submit proposed remedial orders for the Commission's consideration.

Complainants are further requested to provide the expiration date of the '172 and '554 patents, the HTSUS numbers under which the accused articles are imported, and any known importers of the accused products. The written submissions and proposed remedial orders must be filed no later than the close of business on February 6, 2017. Reply submissions must be filed no later than the close of business on February 13, 2017. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper

copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-971") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronicfiling.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By Order of the Commission.

Issued: January 23, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-01838 Filed 1-26-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-17-003]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 7, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701-TA-554 and 731-TA-1309 (Final) (Biaxial Integral Geogrid Products from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by February 24, 2017.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 24, 2017.

William R. Bishop,
Supervisory Hearings and Information Officer.

[FR Doc. 2017-01969 Filed 1-25-17; 4:15 pm]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1038]

Certain Electronic Devices, Including Mobile Phones, Tablet Computers, and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 22, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Nokia Technologies Oy of Espoo, Finland. Supplements to the complaint were filed on January 3 and 4, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation,

and the sale within the United States after importation of certain electronic devices, including mobile phones, tablet computers, and components thereof by reason of infringement of U.S. Patent No. 7,415,247 ("the '247 patent"); U.S. Patent No. 9,270,301 ("the '301 patent"); U.S. Patent No. 6,393,260 ("the '260 patent"); U.S. Patent No. 8,036,619 ("the '619 patent"); U.S. Patent No. 6,826,391 ("the '391 patent"); U.S. Patent No. 6,480,700 ("the '700 patent"); U.S. Patent No. 9,473,602 ("the '602 patent"); and U.S. Patent No. 7,653,366 ("the '366 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2016).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 23, 2017, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation,

or the sale within the United States after importation of certain electronic devices, including mobile phones, tablet computers, and components thereof by reason of infringement of one or more of claims 18, 19, 21, and 23 of the '247 patent; claims 1-11, 13-41, and 43-122 of the '301 patent; claims 6, 8, 10, and 11 of the '260 patent; claims 1, 3-7, 9-12, 18-21, 23, 24, 31, 37, 38, 46-51, 53, 54, 58-61, 68-74, 76-80, 82, and 83 of the '619 patent; claims 1-14, 16-21, 23, and 24 of the '391 patent; claims 1-6, 10, and 16 of the '700 patent; claims 1, 6-15, 17, 18, 22, and 27-36 of the '602 patent; and claims 1, 2, 4-7, 11-14, 17-21, and 23 of the '366 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Nokia Technologies Oy, Karaportti 3, FIN-02610, Espoo, Finland.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Apple Inc., a/k/a Apple Computer, Inc., 1 Infinite Loop, Cupertino, CA 95014.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Notwithstanding any Commission Rules to the contrary, which are hereby waived, the presiding Administrative Law Judge may, by order, sever part of this investigation so as to create two or more smaller investigations. If the presiding Administrative Law Judge severs part of the investigation, the Chief Administrative Law Judge, in his discretion, may reassign the original and/or the severed investigations to different presiding Administrative Law Judges. If the investigation is severed,

the presiding Administrative Law Judge may set a target date of up to 18 months for the original and the severed investigations by order. The public interest delegation in paragraph (2) above shall apply to the original and any severed investigations. The Office of Unfair Import Investigations shall inform the Chief Administrative Law Judge and the Office of Docket Services of the new investigation number for any severed investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 24, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-01854 Filed 1-26-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Graphics Systems, Components Thereof, and Consumer*

Products Containing the Same, DN 3194. The Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to 19 CFR 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Advanced Micro Devices, Inc. and ATI Technologies ULC on January 24, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain graphics systems, components thereof, and consumer products containing the same. The complaint names as respondents LG Electronics, Inc. of South Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, NJ; LG Electronics MobileComm U.S.A., Inc. of San Diego, CA; VIZIO, Inc. of Irvine, CA; MediaTek Inc. of Taiwan; MediaTek USA Inc. of San Jose, CA; and Sigma Designs, Inc. of Fremont, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and
- (v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3194") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic

Filing Procedures¹). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: January 24, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–01858 Filed 1–26–17; 8:45 am]

BILLING CODE 7020–02–P

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–004]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 8, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701–TA–562 and 731–TA–1329 (Final) (Ammonium Sulfate from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by March 2, 2017.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 24, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–01970 Filed 1–25–17; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On January 19, 2017, the Department of Justice lodged a Third Modified Consent Decree with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States of America and Commonwealth of Massachusetts v. Lynn Water and Sewer Commission*, Civil Action No. 76–cv–02184–RGS.

The United States filed this lawsuit under the Clean Water Act, 33 U.S.C. 1251 *et seq.* The complaint seeks civil penalties and injunctive relief for violations of the Clean Water Act relating to the sewer works systems currently owned and operated by the Lynn Water and Sewer Commission (“Commission”). A Second Modified Consent Decree (“SCMD”) was entered in this action on June 21, 2001, which

provided for implementation by the Commission of a long-term combined sewer overflow (“CSO”) control plan. The Commission completed some of the obligations required under the SMCD, but did not complete other obligations. In 2014, the Commission completed the Lynn Water and Sewer Commission Combined Sewer Overflow Supplemental Facilities Plan Update (“2014 CSO Plan”), which recommends alternative CSO abatement projects to certain obligations required under the SMCD.

The Third Modified Consent Decree (“TMCD”) requires the Commission to implement the CSO abatement projects recommended in the 2014 CSO Plan. The TMCD also requires the Commission to implement a program to detect and eliminate illicit discharges to the Commission’s storm sewer system and to implement plans to improve management, operation, and maintenance of its sanitary sewage and other facilities. The TMCD also requires the Commission to pay a civil penalty of \$125,000.

The publication of this notice opens a period for public comment on the TMCD. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and Commonwealth of Massachusetts v. Lynn Water and Sewer Commission*, D.J. Ref. No. 90–5–1–1–545B. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. Please enclose a check or money order for \$30.25 (25 cents per

page reproduction cost) payable to the United States Treasury.

Robert E. Maher Jr.,
Assistant Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.

[FR Doc. 2017-01848 Filed 1-26-17; 8:45 am]

BILLING CODE 4410-15-P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2015-7]

Section 512 Study: Extension of Comment Period

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The United States Copyright Office is extending the deadlines for the submission of written comments and empirical research studies in response to its November 8, 2016 request for additional comments ("Second Notice") regarding the Digital Millennium Copyright Act ("DMCA") safe harbor provisions contained in 17 U.S.C. 512.

DATES: Written responses to the questions outlined in the Second Notice are now due no later than 11:59 p.m. Eastern Time on February 21, 2017. Empirical research studies are due no later than 11:59 p.m. Eastern Time on March 22, 2017.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office Web site at <http://copyright.gov/policy/section512/comment-submission/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the Internet, please contact the Office, using the contact information below, for special instructions.

FOR FURTHER INFORMATION CONTACT: Cindy Abramson, Assistant General Counsel, by email at ciab@loc.gov or by telephone at 202-707-8350; Kevin Amer, Senior Counsel for Policy and International Affairs, by email at kamer@loc.gov or by telephone at 202-707-8350; or Kimberley Isbell, Senior Counsel for Policy and International Affairs, by email at kisb@loc.gov or by telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION: The United States Copyright Office is

conducting a study to evaluate the impact and effectiveness of the DMCA safe harbor provisions contained in 17 U.S.C. 512. The Office published an initial Notice of Inquiry on December 31, 2015, seeking written comments to thirty questions covering eight categories of topics.¹ After receiving more than 92,000 responses and holding public roundtables, the Office published a Second Notice on November 8, 2016.² The Second Notice sought responses to sixteen additional questions and also invited parties to submit empirical research studies assessing issues related to the operation of the safe harbor provisions on a quantitative or qualitative basis. To ensure that commenters have sufficient time to respond, the Office is extending the deadline for submission of comments in response to the questions provided in the Second Notice to February 21, 2017, at 11:59 p.m. Eastern Time, and the deadline for submission of empirical research studies to March 22, 2017, at 11:59 p.m. Eastern Time. Please note that in light of the expected time frame for this study, the Office is unlikely to grant further extensions for these submissions.

Dated: January 24, 2017.

Karyn Temple Claggett

Acting Register of Copyrights and Director
of the U.S. Copyright Office.

[FR Doc. 2017-01888 Filed 1-26-17; 8:45 am]

BILLING CODE 1410-30-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities; Arts and Artifacts Indemnity Panel Advisory Committee

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Federal Council on the Arts and the Humanities will hold a meeting of the Arts and Artifacts Domestic Indemnity Panel.

DATES: The meeting will be held on Tuesday, February 21, 2017, from 2:00 p.m. to 5:00 p.m.

ADDRESSES: The meeting will be held by teleconference originating at the National Endowment for the Arts, Washington, DC 20506.

¹ See Section 512 Study: Notice and Request for Public Comment, 80 FR 81682 (Dec. 31, 2015).

² See Section 512 Study: Request for Additional Comments, 81 FR 78636 (Nov. 8, 2016).

FOR FURTHER INFORMATION CONTACT:

Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506, (202) 606 8322; evoyatzis@neh.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for panel review, discussion, evaluation, and recommendation on applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities, for exhibitions beginning on or after April 1, 2017. Because the meeting will consider proprietary financial and commercial data provided in confidence by indemnity applicants, and material that is likely to disclose trade secrets or other privileged or confidential information, and because it is important to keep the values of objects to be indemnified, and the methods of transportation and security measures confidential, I have determined that that the meeting will be closed to the public pursuant to subsection (c)(4) of section 552b of Title 5, United States Code. I have made this determination under the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 15, 2016.

Dated: January 23, 2017.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2017-01849 Filed 1-26-17; 8:45 am]

BILLING CODE 7536-01-P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Environmental Biology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Environmental Biology—Mid-term Site Review of Luquillo LTER (#10744)—Site Visit.

Dates and Times: March 29-31, 2017; 8 a.m.-5 p.m.

Place: Luquillo LTER, University of Puerto Rico, Km 19.5, Hwy PR-186, 00745, Puerto Rico.

Type of Meeting: Closed.

Contact Person: Louis Kaplan, Division of Environmental Biology, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Phone 703-292-7187.

Purpose of Meeting: Formal mid-term review of the Luquillo LTER research program.

Agenda: Provide mid-term guidance and advice to site and feedback to NSF regarding progress of this project.

Reason for Closing: The project being reviewed during this site visit will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 24, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017-01846 Filed 1-26-17; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2016-0095]

Program-Specific Guidance About Self-Shielded Irradiators

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is revising its licensing guidance for materials licenses for self-shielded irradiators. The NRC is requesting public comment on draft NUREG-1556, Volume 5, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Self-Shielded Irradiators." The document has been updated from the original version to include information on safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff.

DATES: Submit comments by March 10, 2017. Comments received after this date will be considered if it is practicable to do so, but the NRC is only able to assure consideration of comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0095. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN-12-H8, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Celimar Valentin-Rodriguez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7124; email: Celimar.Valentin-Rodriguez@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2016-0095 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0095.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr.resource@nrc.gov. The draft NUREG-1556, Volume 5, Revision 1, is available in ADAMS under Accession No. ML17017A119.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2016-0095 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as

enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

This NUREG provides guidance and assists applicants and licensees in preparing applications for materials licensees for self-shielded irradiators. This NUREG also provides NRC reviewers criteria for evaluating such a license application. The purpose of this notice is to provide the public an opportunity to review and comment on draft NUREG-1556, Volume 5, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Self-Shielded Irradiators." These comments will be considered in the final version or subsequent revisions.

Dated at Rockville, Maryland, this 19th day of January 2017.

For the U.S. Nuclear Regulatory Commission.

Daniel S. Collins,

Director, Division of Material Safety, State, Tribal and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017-01880 Filed 1-26-17; 8:45 am]

BILLING CODE 7590-01-P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 30-day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 30 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before February 27, 2017.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202-692-1236 or email at pcf@peacecorps.gov. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT:

Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Report of Dental Examination.

OMB Control Number: 0420-0546.

Type of Request: Revision.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Respondents: Potential and current volunteers.

Burden to the Public:

a. Estimated number of respondents.	5,600
b. Estimated average burden per response.	135 minutes
c. Frequency of response	One time
d. Annual reporting burden ..	12,600 hours

General Description of Collection: The Peace Corps Office of Medical Services is responsible for the collection of Applicant dental information, using the Report of Dental Exam "Dental Exam" form. The Dental Exam form is completed by the Applicant's examining dentist. The results of the examinations are used to ensure that Applicants for Volunteer service will, with reasonable accommodation, be able to serve in the Peace Corps without jeopardizing their health.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on January 24, 2017.

Denora Miller,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017-01876 Filed 1-26-17; 8:45 am]

BILLING CODE 6051-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736

Extension: Form N-CSR
SEC File No. 270-512, OMB Control No. 3235-0570

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Form N-CSR (17 CFR 249.331 and 274.128) is a combined reporting form used by registered management investment companies ("funds") to file certified shareholder reports under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("Investment Company Act") and the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). Specifically, Form N-CSR is to be used for reports under section 30(b)(2) of the Investment Company Act (15 U.S.C. 80a-29(b)(2)) and section 13(a) or 15(d) of the Exchange Act (15 U.S.C. 78m(a) and 78o(d)), filed pursuant to rule 30b2-1(a) under the Investment Company Act (17 CFR 270.30b2-1(a)). Reports on Form N-CSR are to be filed with the Securities and Exchange Commission ("Commission") no later than 10 days after the transmission to stockholders of any report that is required to be transmitted to stockholders under rule 30e-1 under the Investment Company Act (17 CFR 270.30e-1). The information filed with the Commission permits the verification of compliance with securities law requirements and assures the public availability and dissemination of the information.

Form N-CSR is filed semi-annually, and the Commission estimates that there are 3,449 respondents with 11,642 portfolios. The Commission further estimates that the hour burden for preparing and filing a report on Form N-CSR is 7.21 hours per portfolio. The total annual hour burden for Form N-CSR, therefore, is estimated to be 167,878 hours. We estimate that the cost burden of preparing and filing a report on Form N-CSR is \$132.35 and therefore estimate that the total annual cost burden associated with Form N-CSR is \$3,081,637.

Estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of Form N-CSR is mandatory. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site: www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or by sending an email to: RA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: January 17, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-01828 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-79860; File No. SR-BatsEDGX-2016-33]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change To Adopt an Options Regulatory Fee

January 23, 2017.

On July 20, 2016, Bats EDGX Exchange, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt an Options Regulatory Fee ("ORF"). The proposed rule change was published for comment in the **Federal Register** on

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

August 5, 2016.³ On September 15, 2016, the Commission temporarily suspended the Exchange's proposal and simultaneously instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁴ The Commission received no comments regarding the proposal.

On January 10, 2017, the Exchange withdrew the proposed rule change (SR-BatsEDGX-2016-33).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01830 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission Office of Investor Education and Advocacy Washington, DC 20549-0213

Extension:

Rule 18f-1 and Form N-18f-1 SEC File No. 270-187, OMB Control No. 3235-0211

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 18f-1 (17 CFR 270.18f-1) enables a registered open-end management investment company ("fund") that may redeem its securities in-kind, by making a one-time election, to commit to make cash redemptions pursuant to certain requirements without violating section 18(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-18(f)). A fund relying on the rule must file Form N-18F-1 (17 CFR 274.51) to notify the Commission of this election. The Commission staff estimates that 38 funds file Form N-18F-1 annually, and that each response takes one hour. Based on these estimates, the total annual burden hours associated with the rule is estimated to be 38 hours.

The estimate of average burden hours is made solely for the purposes of the

Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. The collection of information required by rule 18f-1 is necessary to obtain the benefits of the rule. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: January 17, 2017.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01836 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-79859; File No. SR-BatsBZX-2016-42]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change To Amend the Options Regulatory Fee

January 23, 2017.

On July 20, 2016, Bats BZX Exchange, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to modify the Options Regulatory Fee ("ORF"). The proposed rule change was published for comment in the **Federal Register** on August 5, 2016.³ On September 15, 2016, the Commission temporarily suspended the Exchange's proposal and

simultaneously instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁴ The Commission received three comment letters on the proposal.⁵

On January 10, 2017, the Exchange withdrew the proposed rule change (SR-BatsBZX-2016-42).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01829 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-79863; File No. SR-NASDAQ-2017-004]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Data Fees at Rule 7023

January 23, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 10, 2017, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's data fees at Rule 7023 to: (i) Increase the monthly Nasdaq Level 2 Non-Professional Subscriber fee ("Level 2 Non-Professional Fee") from \$9 to \$14; and (ii) increase the monthly Nasdaq Level 2 Professional Subscriber fee ("Level 2 Professional Fee") from

⁴ See Securities Exchange Act Release No. 78849, 81 FR 64960 (September 21, 2016).

⁵ See Letters to Brent J. Fields, Secretary, Commission, from Ellen Greene, Managing Director, Securities Industry and Financial Markets Association, dated October 14, 2016; Joseph Kinahan, Managing Director, Client Advocacy and Market Structure, TD Ameritrade, Inc., dated October 26, 2016; and Jeanine Hightower, Chief Operating Officer, International Securities Exchange, LLC, dated October 27, 2016.

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 78452 (August 1, 2016), 81 FR 51951 (August 5, 2016).

⁴ See Securities Exchange Act Release No. 78850, 81 FR 64963 (September 21, 2016).

⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 78453 (August 1, 2016), 81 FR 51954 (August 5, 2016).

\$60 to \$70, and to make conforming changes.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to: (i) Increase the monthly Level 2 Non-Professional Fee from \$9 to \$14; and (ii) increase the monthly Level 2 Professional Fee from \$60 to \$70 for any Display Usage, or for Non-Display Usage based upon Indirect Access. The fee increases will set the Level 2 Non-Professional Fee equal to the TotalView fee for Non-Professional Subscribers under Rule 7023(b)(2)(A), and will set the Level 2 Professional Fee equal to the TotalView fee for Professional Subscribers set forth under Rule 7023(b)(2)(B).

The proposed change will equate the price of Level 2 with TotalView in anticipation of retiring Level 2 as a separate product, which will occur on a date to be determined by Nasdaq, based on an analysis of customer demand. Until Level 2 is retired, Nasdaq will continue to support this legacy product in tandem with its full-depth product, TotalView.

Level 2 and Depth-of-Book Data

Nasdaq Level 2 provides best-price orders and quotes from each market participant in the Nasdaq Market Center for Nasdaq-listed securities. It was introduced in 1983 as the Nasdaq Quotation Dissemination Service, and was the first product to provide best-price orders and quotes for Nasdaq market participants. Level 2, like all of Nasdaq's depth-of-book data products, is entirely optional.

As part of Nasdaq's continuing efforts to augment its depth-of-book products, Nasdaq created TotalView, a premier product designed to substantially enhance the amount of data available to the investor. TotalView provides all orders and quotes from all Nasdaq members displayed in the Nasdaq Market Center for Nasdaq-listed securities. This allows the user to view approximately 20 times more information about market liquidity than Level 2, which provides only the best-price orders and quotes for each market participant. In addition to a deeper view of orders and quotes, TotalView also provides other information not available on Level 2, such as the Net Order Imbalance Indicator, which supplies data on the daily auctions that take place at the open and close of the market.

Along with Level 2 and TotalView, Nasdaq also offers OpenView, which provides the depth-of-book information available in TotalView, except that OpenView provides information for securities not listed on Nasdaq. OpenView is typically purchased as an add-on to TotalView or Level 2.

Proposed Changes

Nasdaq intends to offer TotalView as its main depth-of-book product. The purpose of the proposed change is to equate the prices of Level 2 and TotalView in anticipation of retiring Level 2. In response to feedback from Distributors, the Exchange will continue to offer Level 2 for those Distributors that require time to transition their systems from Level 2 to TotalView, rather than retire Level 2 abruptly. The price increase will compensate Nasdaq for offering both the Level 2 and TotalView data feeds during this transition period.

Nasdaq anticipates retiring Level 2 for three reasons.

First, demand for Level 2 has fallen over the last two years. Nasdaq incurs a cost to support multiple depth-of-book products, and maintaining such an expenditure is not viable in view of falling demand.

Second, Level 2 has become less viable as a stand-alone product as industry standards have changed. While there was a market for Level 2 when it was first introduced, the market has moved toward either high-level products such as Nasdaq Basic (which offers best bid and offer and last sale information), or full depth-of-book data similar to TotalView. The market niche for intermediate products such as Level 2 is disappearing.

Third, the usefulness of Level 2 will continue to decrease over time as full

depth-of-book products continue to add more features, such as the Net Order Imbalance Indicator in TotalView. Nasdaq plans to continue enhancing TotalView with additional features, which will further widen the gap in functionality between TotalView and Level 2.

Level 2 will not be retired immediately. There may be customers who, because of special circumstances, continue to use Level 2 for the time being. Nasdaq will monitor customer demand to identify an appropriate retirement date. Until Level 2 is retired, Nasdaq will continue to support this legacy product in tandem with its full-depth product, TotalView.

Because of the price increase for Level 2, the Exchange proposes three conforming changes to market data rules that reference Level 2.

First, under Rule 7023(c)(1), a Distributor that is also a broker-dealer may pay a monthly fee of \$25,000 for the right to provide Nasdaq TotalView and Nasdaq OpenView for Display Usage for Internal Distribution, or for External Distribution to Non-Professional Subscribers with whom the firm has a brokerage relationship. Payment of this optional enterprise license fee allows the purchaser to obtain TotalView and OpenView at the previous Level 2 rate because, under Rule 7023(c)(1), the Enterprise License shall not apply to relevant Level 1 and Nasdaq Level 2 fees.³ In other words, because Distributors receiving TotalView also receive the information contained in Nasdaq Level 2, those Distributors must also pay per-subscriber fees at the same level as the Level 2 fees, in addition to the Enterprise License fee.

Because the proposed language equates Level 2 fees with the price of TotalView, Distributors that purchase the \$25,000 Enterprise License would be required to pay the monthly per-subscriber fees at the new, higher rate, unless the language is adjusted. To maintain the current price structure, the Exchange proposes to delete the reference to Level 1 and Level 2 fees, and replace it with a set fee that reflects the current fee for Level 2. The proposal would require Distributors to pay a monthly fee of \$9 for each Non-Professional Subscriber and a monthly fee of \$60 for each Professional Subscriber for Display Usage based upon Direct or Indirect Access, in addition to the \$25,000 monthly

³ The language regarding Level 1 has no effect because Level 1 has never been a product owned by Nasdaq. Level 1 is distributed under the UTP Plan.

enterprise license. This change preserves the current per-subscriber fees associated with the \$25,000 enterprise license. Deleting the reference to Level 1 has no effect because Level 1 is not a Nasdaq product.

Second, under Rule 7023(c)(2), a Distributor that is also a broker-dealer may pay a monthly fee of \$100,000 for the right to provide Nasdaq TotalView and Nasdaq OpenView for Display Usage for Internal Distribution, or for External Distribution to both Professional and Non-Professional Subscribers with whom the firm has a brokerage relationship. Payment of this optional enterprise license fee allows the purchaser to obtain TotalView and OpenView at the previous Level 2 rate because, under Rule 7023(c)(2), the Enterprise License shall not apply to relevant Level 1 and Nasdaq Level 2 fees.

As was the case for the \$25,000 Enterprise License under Rule 7023(c)(1), the proposed increase in the price of Level 2 would require Distributors that purchase the \$100,000 Enterprise License to pay the monthly per-subscriber fees at the new, higher rate, unless the language is adjusted. To maintain the prior price structure, the Exchange proposes to delete the reference to Level 1 and Level 2, and replace it with a set fee for Professional and Non-Professional Subscribers. The proposal would require Distributors to pay a monthly fee of \$9 for each Non-Professional Subscriber and a monthly fee of \$60 for each Professional Subscriber for Display Usage based upon Direct or Indirect Access, in addition to the \$100,000 monthly enterprise license. This change preserves the current per-subscriber fees associated with the \$100,000 enterprise license. As previously noted, deleting the reference to Level 1 has no effect because it is not a Nasdaq product.

Third, the Exchange proposes to remove a sentence from Rule 7023(e) that has been rendered meaningless. That rule currently provides a 30-day fee waiver for a trial offer of TotalView, provided that the waiver does not include incremental fees for the Nasdaq Level 2-only service. Because the proposal removes the price differential between Level 2 and TotalView, no incremental fees will exist, and the Exchange therefore proposes deleting that sentence.

The Level 2 Professional and Non-Professional fees are entirely optional, in that they apply only to Subscribers that opt to purchase Level 2. They do not impact or raise the cost of any other Nasdaq product, except for those subscribers who opt to purchase

OpenView together with Level 2, for whom the price of the combined product will rise by the same amount as Level 2.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁵ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”⁶

Likewise, in *NetCoalition v. Securities and Exchange Commission*⁷ (“NetCoalition”) the D.C. Circuit upheld the Commission’s use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.⁸ As the court emphasized, the Commission “intended in Regulation NMS that ‘market forces, rather than regulatory requirements’ play a role in determining the market data . . . to be made available to investors and at what cost.”⁹

Further, “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in

the execution of order flow from broker dealers’”¹⁰

The Exchange believes that the proposals to increase the monthly Level 2 Non-Professional Fee and the Level 2 Professional Fee—which will be implemented in anticipation of retiring Level 2 as a separate product—are reasonable. The Exchange is providing time for Distributors to transition from Level 2 to TotalView feeds, and the price increase compensates Nasdaq for providing both feeds during that transition period. The fees for Level 2, like all proprietary data fees, are constrained by the Exchange’s need to compete for order flow, and are subject to competition from other products and among broker-dealers for customers. If Nasdaq is incorrect in its assessment of the Level 2 market, there are no barriers to entry for competitors with substantially similar products.

The Exchange believes that the proposed fee changes are an equitable allocation and not unfairly discriminatory because the Exchange will apply the same fee to all similarly-situated subscribers.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The proposed fees will: (i) Increase the monthly Level 2 Non-Professional Fee from \$9 to \$14; and (ii) increase the monthly Level 2 Professional Fee from \$60 to \$70. If the changes proposed herein are unattractive to market

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(4) and (5).

⁶ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

⁷ *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

⁸ See *NetCoalition*, at 534–535.

⁹ *Id.* at 537.

¹⁰ *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

Specifically, market forces constrain fees for Level 2 in three respects. First, all fees related to Level 2 are constrained by competition among exchanges and other entities attracting order flow. Firms make decisions regarding Level 2 and other proprietary data based on the total cost of interacting with the Exchange, and order flow would be harmed by the supracompetitive pricing of any proprietary data product. Second, the price of Level 2 is constrained by the existence of substitutes that are offered, or may be offered, by entities that offer proprietary data. Third, competition among Distributors for customers will further constrain the cost of Level 2. An example of the impact of market forces on the price of proprietary data is the decrease in the Nasdaq Basic enterprise license fee for broker-dealers distributing such information to subscribers in the context of a brokerage relationship, which was recently decreased from \$350,000 to \$100,000.

Competition for Order Flow

Fees related to Level 2 are constrained by competition among exchanges and other entities seeking to attract order flow. Order flow is the “life blood” of the exchanges. Broker-dealers currently have numerous alternative venues for their order flow, including self-regulatory organization (“SRO”) markets, as well as internalizing broker-dealers (“BDs”) and various forms of alternative trading systems (“ATSs”), including dark pools and electronic communication networks (“ECNs”). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated Trade Reporting Facilities (“TRFs”) compete to attract internalized transaction reports. The existence of fierce competition for order flow implies a high degree of price sensitivity on the part of BDs, which may readily reduce costs by directing orders toward the lowest-cost trading venues.

The level of competition and contestability in the market for order flow is demonstrated by the numerous examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, REDIBook, Attain, TracECN, BATS Trading and BATS/

Direct Edge. A proliferation of dark pools and other ATSs operate profitably with fragmentary shares of consolidated market volume. For a variety of reasons, competition from new entrants, especially for order execution, has increased dramatically over the last decade.

Each SRO, TRF, ATS, and BD that competes for order flow is permitted to produce proprietary data products. Many currently do or have announced plans to do so, including NYSE, NYSE Amex, NYSE Arca, BATS, and IEX. This is because Regulation NMS deregulated the market for proprietary data. While BDs had previously published their proprietary data individually, Regulation NMS encourages market data vendors and BDs to produce proprietary products cooperatively in a manner never before possible. Order routers and market data vendors can facilitate production of proprietary data products for single or multiple BDs. The potential sources of proprietary products are virtually limitless.

The markets for order flow and proprietary data are inextricably linked: A trading platform cannot generate market information unless it receives trade orders. As a result, the competition for order flow constrains the prices that platforms can charge for proprietary data products. Firms make decisions on how much and what types of data to consume based on the total cost of interacting with Nasdaq and other exchanges. Data fees are but one factor in a total platform analysis. If the cost of the product exceeds its expected value, the broker-dealer will choose not to buy it. A supracompetitive increase in the fees charged for either transactions or proprietary data has the potential to impair revenues from both products. In this manner, the competition for order flow will constrain prices for proprietary data products.

Substitute Products

The price of depth-of-book data is constrained by the existence of competition from other exchanges, such as NYSE and BATS, which sell proprietary depth-of-book data. While a small number of highly sophisticated traders purchase depth-of-book products from multiple exchanges, most customers do not. Because most customers would not pay an excessive price for Level 2 when substitute data is available from other proprietary sources, the Exchange is constrained in its pricing decisions.

Competition Among Distributors

Competition among Distributors provides another form of price discipline for proprietary data products. If the price of Level 2 were set above competitive levels, Distributors purchasing Level 2 would be at a disadvantage relative to their competitors, and would therefore either purchase a substitute or forego the product altogether.

In summary, market forces constrain the price of depth-of-book data such as Level 2 through competition for order flow, competition from substitute products, and in the competition among vendors for customers. For these reasons, the Exchange has provided a substantial basis demonstrating that the fee is equitable, fair, reasonable, and not unreasonably discriminatory, and therefore consistent with and in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

¹¹ 15 U.S.C. 78s(b)(3)(A)(ii).

• Send an email to rule-comments@sec.gov. Please include File Number SR–NASDAQ–2017–004 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–004 and should be submitted on or before February 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–01833 Filed 1–26–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79861; File No. SR–C2–2017–004]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Give Up of a Clearing Trading Permit Holder

January 23, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on January 10, 2017, C2 Options Exchange, Incorporated (the “Exchange” or “C2”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules governing the give up of a Clearing Participant by a Participant on Exchange Transactions. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to augment its requirements in C2 Rule 6.30 related to the give up of a Clearing Participant by a Participant on Exchange transactions. By way of background, to enter transactions on the Exchange, a Participant must either be a Clearing Participant or must have a Clearing Participant agree to accept financial responsibility for all of its transactions. Additionally, Rule 6.30 currently provides that when a Participant executes a transaction on the Exchange, it must give up the name of the Clearing Participant (the “Give Up”) through which the transaction will be cleared (*i.e.*, “give up”).

Designated Give Ups and Guarantors

The Exchange seeks to amend Rule 6.30 to provide that a Participant may only give up a “Designated Give Up” or its “Guarantor.” The Exchange proposes to introduce and define the term “Designated Give Up.” For purposes of Rule 6.30, a “Designated Give Up,” is any Clearing Participant that a Participant (other than a Market-Maker⁵) identifies to the Exchange, in writing, as a Clearing Participant that the Participant would like to have the ability to give up. To designate a “Designated Give Up” a Participant must submit written notification, in a form and manner determined by the Exchange, to the Registration Services Department (“RSD”). Specifically, the Exchange anticipates using a standardized form (“Notification Form”) that a Participant would need to complete and submit to the RSD. A copy of the proposed Notification Form is included with this filing in Exhibit 3. Similarly, should a Participant no longer want the ability to give up a particular Designated Give Up, it must submit written notification, in a form and manner determined by the Exchange, to the RSD. The Exchanges [sic] notes that a Participant may designate any Clearing Participant as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that a Participant must identify. The Exchange shall notify a Clearing Participant, in writing and as soon as practicable, of each Participant that has identified it as a Designated

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

⁵ For purposes of this rule, references to “Market-Maker” shall refer to Participants acting in the capacity of a Market-Maker and shall include all Exchange Market-Maker capacities (*e.g.*, Designated Primary Market-Makers).

¹² 17 CFR 200.30–3(a)(12).

Give Up. The Exchange anticipates obtaining the contact information of a Clearing Participant by having each Clearing Participant complete a standardized form ("Designated Give Up Contact Form") and submit it to the RSD. A copy of the proposed Designated Give Up Contact Form is included with this filing in Exhibit 3. The Exchange however, will not accept any instructions, and not give effect to any previous instructions, from a Clearing Participant not to permit a Participant to designate the Clearing Participant as a Designated Give Up. The Exchange notes that there is no subjective evaluation of a Participant's list of proposed Designated Give Ups by the Exchange. Rather, the Exchange intends to process each list as submitted and ensure that the Clearing Participants identified as Designated Give Ups are in fact current Clearing Participants, as well as confirm that the Notification Forms are complete (*e.g.*, contains appropriate signatures) and the OCC numbers listed for each Clearing Participant are accurate.

The Exchange also proposes to define the term "Guarantor" in the proposed rule text. For purposes of proposed Rule 6.30, a "Guarantor" shall refer to a Clearing Participant that has issued a Letter of Guarantee or Letter of Authorization for the executing Participant under the C2 Rule 3.10 (Letters of Guarantee and Authorization) that is in effect at the time of the execution of the applicable trade. An executing Participant may give up its Guarantor without having to first designate it to the Exchange as a "Designated Give Up."

As noted above, the proposed rule change seeks to provide that a Participant may give up only (i) the name of a Clearing Participant that has previously been identified and processed by the Exchange as a Designated Give Up for that Participant, if not a Market-Maker or (ii) its Guarantor. This limitation shall be enforced by the Exchange's trading systems. Specifically, the Exchange will configure its trading systems to only accept orders from a Participant which identify a Designated Give Up or Guarantor for that Participant and will reject any order entered by a Participant which designates a Give Up that is not at the time a Designated Give Up or Guarantor of the Participant. The Exchange notes that it will notify a Participant in writing when an identified Designated Give Up becomes "effective" (*i.e.*, when a Clearing Participant that has been identified by the Participant as a Designated Give Up has been enabled by the Exchange's

trading systems to be given up). A Guarantor for a Participant shall be enabled to be given up for that Participant without any further action by the Participant (*i.e.*, submitting its name as a Designated Give Up on the Notification Form). The Exchange notes that this configuration (*i.e.*, the trading system accepting only orders which identify a Designated Give Up or Guarantor) is intended to help reduce "keypunch errors" and prevent Participants from mistakenly giving up the name of a Clearing Participant that it had no intention of ever using as a Give Up.

Acceptance of a Trade

The Exchange next proposes to permit a Designated Give Up and a Guarantor to, in certain circumstances, determine not to accept a trade on which its name was given up. If a Designated Give Up or Guarantor determines not to accept a trade, it may reject the trade in accordance with the procedures described more fully below.

A Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade. Examples of valid reasons may be that the Designated Give Up does not have a customer for that particular trade or that another Clearing Participant agrees to be the Give Up on the trade and has notified the Exchange and executing Participant in writing of its intent to accept the trade. If a Designated Give Up determines to not accept (and thereby reject) a trade on which its name was given up, the executing Participant's Guarantor or another Clearing Participant that agrees to be the Give Up on the trade shall become the Give Up. Next, the Exchange proposes to provide that a Guarantor may not accept (and thereby reject) a non-Market-Maker trade on which its name was given up only if another Clearing Participant agrees to be the Give Up on the trade and has notified the Exchange and executing Participant in writing of its intent to accept the trade. The Exchange notes that only a Designated Give Up or Guarantor whose name was initially given up on a trade is permitted to not accept the trade, subject to the conditions noted above (*i.e.*, the Clearing Participant or Guarantor that becomes the Give Up on a rejected trade may not also reject the trade).

Rejection of a Trade

The Exchange has incorporated into proposed Rule 6.30 procedures that must be followed in order for a Designated Give Up to reject a trade. A

trade may only be rejected on (i) the trade date or (ii) the business day following the trade date ("T+1") (except that transactions in expiring options series may not be rejected on T+1).

Rejection on Trade Date

If a Designated Give Up decides to reject a trade on the trade date, it must first notify, in writing, the executing Participant or its designated agent, as soon as possible and attempt to resolve the disputed give up. This requirement puts the executing Participant on notice that the Give Up on the trade may be changed and provides the executing Participant and Designated Give Up an opportunity to resolve the dispute in a manner agreeable to each party. The Exchange notes that a Designated Give Up may request from the Exchange the contact information of the executing Participant or its designated agent for any trade it wishes to reject.

Following notification to the executing Participant on the trade date, a Designated Give Up may request the ability from the Exchange to change the Give Up on the trade. This request must be made by completing and submitting a standardized form ("Give Up Change Form") to the Exchange. A copy of the proposed Give Up Change Form is included with this filing in Exhibit 3. So long as the Exchange is able to process the request prior to the trade input cutoff time established by the Clearing Corporation (or fifteen minutes thereafter, so long as the Exchange receives and is able to process a request to extend its time of final trade submission to the Clearing Corporation) ("Trade Date Cutoff Time"), the Exchange will provide the Designated Give Up the ability to make the change to the Give Up on the trade to either (1) another Clearing Participant or (2) the executing Participant's Guarantor.

A Designated Give Up may change the Give Up to another Clearing Participant ("New Clearing Participant") (*i.e.*, a Clearing Participant that is not the executing Participant's Guarantor) only if that Clearing Participant has agreed to be the give up on the trade and has first notified the Exchange and the executing Participant in writing of its intent to accept the trade. To notify the Exchange, the New Clearing Participant must complete and submit a standardized form (*i.e.*, the Give-Up Change Form for Accepting Clearing Trading Permit Holders) to the Exchange. A copy of the proposed Give-Up Change Form for Accepting Clearing Trading Permit Holders is included with this filing in Exhibit 3. The Exchange notes that any Clearing Participant may agree to accept a trade from the

Designated Give Up that is rejecting the trade (*i.e.*, the New Clearing Participant does not have to already be a Designated Give Up of the executing Participant). The Exchange also notes that a New Clearing Participant that has agreed to accept a trade and become the Give Up cannot later reject the trade. Requiring the New Clearing Participant to provide notice to the Exchange of its intent to accept the trade and prohibiting the New Clearing Participant from later rejecting the trade provides finality to the trade and ensures that the trade is not repeatedly reassigned from one Clearing Participant to another.

The Exchange also seeks to provide that a Designated Give Up may alternatively change the Give Up to the executing Participant's Guarantor. The Guarantor does not need to notify the Exchange of its intent to accept the trade nor does it need to submit any notification or form. The Designated Give Up however, must first provide written notice to the Guarantor that it will be making this change. A Guarantor that becomes the Give Up on a trade as a result of the Designated Give Up rejecting the trade is prohibited from not accepting the trade/rejecting the trade. This prohibition provides finality to the trade and ensures that the trade is not repeatedly reassigned from one Clearing Participant to another.

A Guarantor may also reject a non-Market-Maker trade for which its name was the initial given up by a Participant, but only if another Clearing Participant has first agreed to be the Give Up on the trade and has notified the Exchange and executing Participant in writing of its intent to accept the trade. If a Guarantor of a Participant decides to reject a trade on the trade date, it must follow the same procedures to change the Give Up as would be followed by a Designated Give Up. The ability to make any changes, either by the Designated Give Up or Guarantor, to the Give Up pursuant to this procedure will end at the Trade Date Cutoff Time.

Finally, once the Give Up has been changed, the Designated Give Up or Guarantor making the change must immediately thereafter notify the Exchange, the parties to the trade and the New Clearing Participant of the change in writing.

Rejection on T+1

The Exchange next acknowledges that some clearing firms may not reconcile their trades until after the Trade Date Cutoff Time. A clearing firm therefore, may not realize that a valid reason exists to not accept a particular trade until after the close of the trading day or until the following morning. Accordingly, the

Exchange seeks to establish a procedure for a Designated Give Up or Guarantor of a Participant that is not a Market-Maker to reject a trade on the following trade day ("T+1"). The Exchange notes that a separate procedure must be established for T+1 changes because to effectively change the Give Up on a trade on T+1, an offsetting reversal has to occur (as opposed to merely identifying a different Clearing Participant on the trade). More specifically, a buy side must be entered by one Clearing Participant and the sell side must be entered by the other Clearing Participant in order to effect the moving of the position from one Clearing Participant to another.

A Designated [sic] Give Up that wishes to reject a trade on T+1 must first notify the executing Participant, in writing, to try to attempt and resolve the dispute. Following notification to the Participant, a Designated Give Up may contact the Exchange and request the ability to enter trade records into the Exchange's trading system on behalf of itself and either the New Clearing Participant or the executing Participant's Guarantor, which would effect a transfer of the trade to the new Give Up. So long as the Exchange is able to process the request prior to 12:00 p.m. (CT) on T+1 ("T+1 Cutoff Time"), the Exchange shall provide the Designated Give Up the ability to do so. The request must be made in writing using a standardized form (*i.e.*, the Give Up Change Form) from the Exchange. In the event a New Clearing Participant will be accepting the trade as the Give Up, the New Clearing Participant must also complete and submit the C2 Give-Up Change Form for Accepting Clearing Participants. A Guarantor that becomes the new Give Up on T+1 does not need to notify the Exchange of its intent to accept the trade nor does it need to submit any notification or form. The Designated Give Up however, must first provide written notice to the Guarantor that it will be making this change on T+1.

An executing Participant's Guarantor that was the initial Give Up on a trade may also reject the trade on T+1, but may only change the Give Up to another Clearing Participant that has first agreed to be the Give Up on the trade and has notified the Exchange (by submitting the Give Up Change Form) and executing Participant in writing of its intent to accept the trade. If a Guarantor of a Participant decides to reject a non-Market-Maker trade on T+1, it must follow the same procedures outlined in subparagraph (f)(iii). The Exchange again notes that only a Guarantor whose name was initially given up is permitted

to reject a trade (*i.e.*, a Guarantor cannot reject a trade on T+1 for which it has become the give up as a result of a Designated Give Up not accepting the trade).

The ability for either a Designated Give Up or Guarantor to make these changes shall end at the T+1 Cutoff Time. The Exchange notes that the T+1 Cutoff Time is 12:00 p.m. (CT) to provide finality and certainty as to which Clearing Participant will be the Clearing Participant for the trade.

Once the change to the Give Up has been made, the Designated Give Up or Guarantor making the change must immediately thereafter notify the Exchange, the parties to the trade and the New Clearing Participant of the change in writing. The Exchange notes that the T+1 procedure is not applicable to trades in expiring options series that take place on the last trading day prior to their expiration. Rather, a Designated Give Up and Guarantor may only reject these transactions on the trade date until the Trade Date Cutoff Time in accordance with the trade date procedures described above.

As discussed above, the Exchange is allowing Participant s [sic] that are not Market-Makers to identify any Clearing Participant as a Designated Give Up. Also as discussed, the Exchange has determined not to take instructions from a Clearing Participant not to permit a particular Participant from giving up their name so that the Exchange will not be placed in the position of arbiter between a Clearing Participant, a Participant and a customer. The Exchange recognizes, however, that Participants should not be given the ability to give up any Clearing Participant without also providing a method of recourse to those Clearing Participants which, for the prescribed reasons discussed above, should not be obligated to clear certain trades for which they are given up. The Exchange accordingly is seeking to provide Designated Give Ups and Guarantors the ability to, where appropriate, reject a trade. Ultimately, however, the trade must clear with a clearing firm and there must be finality to the trade. The Exchange believes that the executing Participant's Guarantor, absent a Clearing Participant that agrees to accept the trade, should become the Give Up on any trade which a Designated Give Up determines to reject in accordance with these proposed rule provisions, because the Guarantor, by virtue of having issued a Letter of Guarantee or Authorization, has already accepted financial responsibility for all Exchange transactions made by the executing Participant. The Exchange

however, does not want to prevent a Clearing Participant that agrees to accept the trade from being able to do so, and accordingly, the Exchange also provides that a New Clearing Participant may become the Give Up on a trade in accordance with the procedure discussed above.

Other Give Up Changes

The Exchange seeks to codify in its proposed rule three scenarios in which a Give Up on a transaction may be changed without Exchange involvement. First, if an executing Participant has the ability through an Exchange system to do so, it may change the Give Up on a trade to another Designated Give Up or its Guarantor. The Exchange notes that Participants often make these changes when, for example, there was a keypunch error (*i.e.* an error that involves the erroneous entry of an intended clearing firm's OCC clearing number). The ability of the executing Participant to make any such change will end at the Trade Date Cutoff Time.⁶

Next, the proposed rule provides that, if a Designated Give Up has the ability to do so, it may change the Give Up on a transaction for which it was given up to (i) another Clearing Participant affiliated with the Designated Give Up or (ii) a Clearing Participant that is a back office agent for the Designated Give Up. The ability to make such a change will end at the Trade Date Cutoff Time. The procedures in proposed subparagraph (f) of Rule 6.30 that were previously described will not apply in these instances. The Exchange notes that often Clearing Participants themselves have the ability to change a Give Up on a trade for which it was given up to another Clearing Participant affiliate or Clearing Participant for which the Designated Give Up is a back office agent. Therefore, Exchange involvement in these instances is not necessary.

Lastly, the proposed rule provides that if both a Designated Give Up and a Clearing Participant have the ability through an Exchange system to do so, the Designated Give Up and Clearing Participant may each enter trade records into the Exchange's systems on T+1 that would effect a transfer of the trade in a non-expired option series from that Designated Give Up to that Clearing Participant. Likewise, if a Guarantor of a Participant trade that is not a Market-Maker trade and a Clearing Participant have the ability through an Exchange

system to do so, the Guarantor and Clearing Participant may each enter trade records into the Exchange's systems on T+1 that would effect a transfer of the trade in a non-expired option series from that Guarantor to that Clearing Participant. The Designated Give Up or Guarantor shall not make any such change after the T+1 Cutoff Time. The Exchange notes that a Designated Give Up (or Guarantor) must notify, in writing, the Exchange and all the parties to the trade, of any such change made pursuant to this provision. This notification alerts the parties and the Exchange that a change to the Give Up has been made. Finally, the Designated Give Up (or Guarantor) will be responsible for monitoring the trade and ensuring that the other Clearing Participant has entered its side of the transaction timely and correctly. If either a Designated Give Up (or Guarantor) or Clearing Participant cannot themselves enter trade records into the Exchange's systems to effect a transfer of the trade from one to the other, the Designated Give Up (or Guarantor) may request the ability from the Exchange to enter both sides of the transaction in accordance with this amended Rule 6.30 and pursuant to the procedures set forth in subparagraph (f)(iii) of that Rule.

Responsibility

For purposes of the Rules of the Exchange, a Clearing Participant will be financially responsible for all trades for which it is the Give Up at the Applicable Cutoff Time (for purposes of the proposed rule, the "Applicable Cutoff Time" shall refer to the T+1 Cutoff Time for non-expiring option series and to the Trade Date Cutoff Time for expiring option series). The Exchange notes however, that nothing in the proposed rule shall preclude a different party from being responsible for the trade outside of the Rules of the Exchange pursuant to OCC Rules, any agreement between the applicable parties, other applicable rules and regulations, arbitration, court proceedings or otherwise. Moreover, in processing a request to provide a Designated Give Up the ability to change a Give Up on a trade, the Exchange will not consider or validate whether the Designated Give Up has satisfied the requirements of this Rule in relation to having a good faith belief that it has a valid reason not to accept a trade or having notified the executing Participant and attempting to resolve the disputed Give Up prior to changing the Give Up. Rather, upon request, the Exchange shall always provide a Designated Give Up or Guarantor the

ability to change the give up or to reject a trade pursuant to the proposed rule so long as the Designated Give Up or Guarantor, and New Clearing Participant if applicable, have provided a completed Give Up Change Forms within the prescribed time period. The Exchange notes that given the inherent time constraints in making a change to a Give Up on a transaction, the Exchange would not be able to adequately consider the above-mentioned requirements and make a determination within the prescribed period of time. Rather, the Exchange will examine trades for which a Give Up was changed pursuant to subparagraphs (e) and (f) after the fact to ensure that requirements set forth in amended Rule 6.30 were complied with. Particularly, the Exchange notes that the Give Up Change Forms that Designated Give Ups, Guarantors and New Clearing Participants must submit, will help to ensure that the Exchange obtains, in a uniform format, the information that it needs to monitor and regulate this rule and these give up changes in particular. This information, for example, will better allow the Exchange to determine whether the Designated Give Up had a valid reason to reject the trade, as well as assist the Exchange in cross checking and confirming that what the Designated Give Up or Guarantor said it was going to do is what it actually did (*e.g.*, check that the New Clearing Participant identified in the Give Up Change Form was the Clearing Participant that actually was identified on the trade as the Give Up). Additionally, the proposed rule does not preclude these factors from being considered in a different forum (*e.g.*, court or arbitration) nor does it preclude any Clearing Participant that violates any provision of amended Rule 6.30 from being subject to discipline in accordance with Exchange rules.

The Exchange proposes to announce the implementation date of the proposed rule change in a Regulatory Circular, to be published no later than thirty (30) days following the date of filing. The implementation date will be no later than ninety (90) days following publication of the Regulatory Circular. The Exchange notes this additional time gives Participants time to provide their lists of all Clearing Participants that they would like to designate as "Designated Give Ups" and gives the Exchange time to process those lists and configure its system accordingly.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the

⁶ After that time, the Participant will no longer have the ability to make this type of change as the trade will have been submitted to OCC.

“Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

First, detailing in the rules how Participants will give up Clearing Participants and how Clearing Participants may “reject” a trade provides transparency and operational certainty. The Exchange believes additional transparency removes a potential impediment to, and will contribute to perfecting, the mechanism for a free and open market and a national market system, and, in general, will protect investors and the public interest. Moreover, the Exchange notes that amended Rule 6.30 requires standardized forms to be used in the designation of Designated Give Ups to ensure a seamless administration of the Rule. The Rule also requires that Clearing Participants submit standardized forms when requesting the ability to reject a trade and that all notifications relating to a change in Give Up are in writing. These requirements will aid the Exchange’s efforts to monitor and regulate Participants and Clearing Participants as they relate to amended Rule 6.30 and changes in give ups, thereby protecting investors and the public interest.

Additionally, the Exchange notes that in evaluating its give up rule provisions, it solicited feedback from a variety of market participants. The Exchange believes that its proposed give up rule strikes the right balance between the various views and interests across the industry. For example, although the rule allows Participants that are not Market-Makers to identify any Clearing

Participant as a Designated Give Up, it also provides that Clearing Participants will receive notice of any Participant that has designated it as a Designated Give Up and provides for a procedure for a Clearing Participant to “reject” a trade in accordance with the Rules, both on the trade date and T+1. The Exchange recognizes that Participants should not be given the ability to give up any Clearing Participant without also providing a method of recourse to those Clearing Participants which, for the prescribed reasons discussed above, should not be obligated to clear certain trades for which they are given up. The Exchange believes that providing Designated Give Ups the ability to reject a trade within a reasonable amount of time is consistent with the Act as, pursuant to the proposed rule, the Designated Give Ups may only do so if they have a valid reason and because ultimately, the trade can always be assigned to the Guarantor of the executing Participant. A trade must clear with a clearing firm and there must be finality to the trade. The Exchange believes that the executing Participant’s Guarantor, absent a Clearing Participant that agrees to accept the trade, should become the Give Up on any trade which a Designated Give Up determines to reject in accordance with the proposed rule provisions, because the Guarantor, by virtue of having issued a Letter of Guarantee or Authorization, has already accepted financial responsibility for all Exchange transactions made by the executing Participant. Therefore, amended Rule 6.30 is reasonable and provides certainty that a Clearing Participant will always be responsible for a trade, which protects investors and the public interest.

Lastly, the Exchange notes that amended Rule 6.30 does not preclude a different party than the party given up from being responsible for the trade outside of the Rules of the Exchange pursuant to OCC Rules, any agreement between the applicable parties, other applicable rules and regulations, arbitration, court proceedings or otherwise. The Exchange acknowledges that it will not consider whether the Designated Give Up has satisfied the requirements of this Rule in relation to having a good faith belief that it has a valid reason not to accept a trade or having notified the executing Participant and attempting to resolve the disputed Give Up prior to changing the Give Up, due to inherent time restrictions. However, the Exchange believes investor and public interest are still protected as the Exchange will still

examine trades for which a Give Up was changed pursuant to subparagraphs (e) and (f) of amended Rule 6.30 after the fact to ensure that the requirements set forth in the Rule were complied with. As noted above, the use of standardized forms and the requirement that certain notices be in writing will assist monitoring any give up changes and enforcing amended Rule 6.30. Finally, the Exchange notes that the Rule does not preclude these factors from being considered in a different forum (*e.g.*, court or arbitration) nor does it preclude any Participant or Clearing Participant that violates any provision of amended Rule 6.30 from being subject to discipline by the Exchange.

B. Self-Regulatory Organization’s Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose an unnecessary burden on intramarket competition because it will apply equally to all similarly situated Participants. The Exchange also notes that, should the proposed changes make C2 more attractive for trading, market participants trading on other exchanges can always elect to become Participants on C2 to take advantage of the trading opportunities.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6)¹¹ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative for 30 days after the date of filing. However, Rule 19b-

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6).

4(f)(6)(iii)¹³ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that it can implement the proposed rule change as early as the last week in January. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that the Exchange's proposed rule change is based on a substantially similar proposed rule change submitted by CBOE, which the Commission approved after receiving no comments.¹⁴ The Commission also notes that the filing raises no novel issues apart from those already considered in the earlier CBOE filing. Therefore, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-C2-2017-004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ See Securities Exchange Act Release No. 72668 (July 24, 2014), 79 FR 44229 (July 30, 2014) (SR-CBOE-2014-048).

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-C2-2017-004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-C2-2017-004 and should be submitted on or before February 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01831 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-79864; File No. SR-NYSEArca-2016-97]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change Relating to the Listing and Trading of Shares of the PowerShares Government Collateral Pledge Portfolio Under NYSE Arca Equities Rule 8.600

January 23, 2017.

On July 6, 2016, NYSE Arca, Inc. filed with the Securities and Exchange

Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the PowerShares Government Collateral Pledge Portfolio. The proposed rule change was published for comment in the **Federal Register** on July 26, 2016.³ On September 1, 2016, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On October 21, 2016, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.⁶ The Commission has received no comments on the proposed rule change.

On January 17, 2017, the Exchange withdrew the proposed rule change (SR-NYSEArca-2016-97).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01834 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213

Extension:

Rule 12d3-1 SEC File No. 270-504, OMB Control No. 3235-0561

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 78373 (July 20, 2016), 81 FR 48869.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 78750, 81 FR 62233 (September 8, 2016).

⁶ See Securities Exchange Act Release No. 79131, 81 FR 74840 (October 27, 2016).

⁷ 17 CFR 200.30-3(a)(12).

¹⁶ 17 CFR 200.30-3(a)(12).

Section 12(d)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a) generally prohibits registered investment companies (“funds”), and companies controlled by funds, from purchasing securities issued by a registered investment adviser, broker, dealer, or underwriter (“securities-related businesses”). Rule 12d3–1 (“Exemption of acquisitions of securities issued by persons engaged in securities related businesses” (17 CFR 270.12d3–1)) permits a fund to invest up to five percent of its assets in securities of an issuer deriving more than fifteen percent of its gross revenues from securities-related businesses, but a fund may not rely on rule 12d3–1 to acquire securities of its own investment adviser or any affiliated person of its own investment adviser.

A fund may, however, rely on an exemption in rule 12d3–1 to acquire securities issued by its subadvisers in circumstances in which the subadviser would have little ability to take advantage of the fund, because it is not in a position to direct the fund’s securities purchases. The exemption in rule 12d3–1 is available if (i) the subadviser is not, and is not an affiliated person of, an investment adviser that provides advice with respect to the portion of the fund that is acquiring the securities, and (ii) the advisory contracts of the subadviser, and any subadviser that is advising the purchasing portion of the fund, prohibit them from consulting with each other concerning securities transactions of the fund, and limit their responsibility in providing advice to providing advice with respect to discrete portions of the fund’s portfolio.

Based on an analysis of third-party information, the staff estimates that approximately 319 fund portfolios enter into subadvisory agreements each year.¹ Based on discussions with industry representatives, the staff estimates that it will require approximately 3 attorney hours to draft and execute additional clauses in new subadvisory contracts in order for funds and subadvisers to be able to rely on the exemptions in rule 12d3–1. Because these additional clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on rules 10f–3, 17a–10, and 17e–1 and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally to all four rules. Therefore, we estimate that the burden allocated to

rule 12d3–1 for this contract change would be 0.75 hours.² Assuming that all 319 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule’s contract modification requirement will result in 239.25 burden hours annually.³

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is necessary to obtain the benefit of relying on rule 12d3–1. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: January 17, 2017.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017–01826 Filed 1–26–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79865; File No. SR–BatsBZX–2017–03]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Convert the Listing of the Shares of the SPDR DoubleLine Short Term Total Return Tactical ETF and the SPDR DoubleLine Emerging Markets Fixed Income ETF, Both of Which Are a Series of the SSGA Active Trust, Pursuant to BZX Rule 14.11(i), Managed Fund Shares

January 23, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on January 13, 2017, Bats BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b–4(f)(6)(iii) thereunder,⁴ which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to convert the shares of the SPDR DoubleLine Short Term Total Return Tactical ETF and the SPDR DoubleLine Emerging Markets Fixed Income ETF (collectively, the “Funds”), both of which are a series of the SSGA Active Trust (the “Trust”), from listing pursuant to Rule 14.11(i) and approval orders issued by the Commission to listing pursuant to Rule 19b–4(e) as provided in Rule 14.11(i)(4)(C).

The text of the proposed rule change is available at the Exchange’s Web site at www.bats.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

² This estimate is based on the following calculation (3 hours ÷ 4 rules = .75 hours).

³ This estimate is based on the following calculation: (0.75 hours × 319 portfolios = 239.25 burden hours).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b–4(f)(6)(iii).

¹ Based on information available from Morningstar and the ICI Fact Book, we estimate that 37 percent of funds are advised by subadvisers.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to convert the listing of the shares of the Funds (the "Shares") from listing pursuant to approval orders issued by the Commission to listing pursuant to Rule 19b-4(e) as provided in Rule 14.11(i)(4)(C). The Shares began trading on the Exchange on April 14, 2016 after the Commission issued orders approving the listing and trading of the Shares on the Exchange.⁵ At that time, the Exchange was required to file separate proposals under Section 19(b) of the Act before the listing of any funds listed pursuant to Rule 14.11(i) ("Managed Fund Shares") and, as provided in the Filings, the Exchange will commence delisting procedures under Rule 14.12 for a Fund where the Fund is not in compliance with the applicable listing requirements.⁶ On July 22, 2016, the Commission approved generic listing standards for Managed Fund Shares that would allow a series of Managed Fund Shares to list on the Exchange pursuant to Rule 19b-4(e) so long as the components of that series of Managed Fund Shares meet the criteria in Rule 14.11(i)(4)(C) on an initial and

continual basis.⁷ The Exchange now proposes to list the Shares pursuant to Rule 19b-4(e) of the Act as provided in Rule 14.11(i)(4)(C) and, as such, the components of the Funds will be required to comply with the requirements of that rule on an initial and continual basis. The Exchange has confirmed that both of the Funds' respective portfolios currently comply with the requirements of Rule 14.11(i)(4)(C).⁸ The Exchange notes that if the Funds were not already listed, they could be listed pursuant to Rule 19b-4(e) without the submission of a rule filing.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act⁹ in general and Section 6(b)(5) of the Act¹⁰ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because the only change in the proposal is to have the Funds listed and traded on the Exchange pursuant to the generic listing standards under Rule 14.11(i)(4)(C). As noted above, if the Funds were not already listed, they would be able to be listed pursuant to Rule 19b-4(e) without the submission of a rule filing because the Commission has approved rules on the Exchange related to generic listing standards for Managed Fund Shares on the basis that the generic listing criteria is consistent with the Act and, in particular, "is consistent with Section 6(b)(5) of the Act,"¹¹ which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and

perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest."¹² As such, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange believes that the proposal to allow the Funds to be listed on the Exchange pursuant to the generic listing standards under Rule 14.11(i)(4)(C) will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.¹³

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹⁴ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹⁵ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked

⁵ See Securities Exchange Act Release Nos. 77567 (April 8, 2016), 81 FR 22143 (April 14, 2016) (SR-BATS-2015-94) (order approving the listing and trading on the Exchange of the SPDR DoubleLine Emerging Markets Fixed Income ETF) and 77499 (April 1, 2016), 81 FR 20428 (April 7, 2016) (SR-BATS-2016-04) (order approving the listing and trading on the Exchange of the SPDR DoubleLine Short Duration Total Return Tactical ETF) (collectively, the "Filings").

⁶ As provided in the Filings, all statements and representations made in the Filings regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules and surveillance procedures shall constitute continued listing requirements for listing the Shares on the Exchange.

⁷ See Securities Exchange Act Release Nos. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR-BATS-2015-100).

⁸ As provided in Rule 14.11(i)(4)(C), each Fund must also comply with such requirements on a continual basis and any failure to meet such requirements will result in the Exchange initiating delisting proceedings for the Fund pursuant to Rule 14.12.

⁹ 15 U.S.C. 78f.

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ 15 U.S.C. 78f(b)(5).

¹² See note 7, supra.

¹³ 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6)(iii).

the Commission to waive the 30-day operative delay to allow the Funds to be subject to a single compliance regime under Rule 14.11(i)(4)(C) instead of the series of representations made in each Fund's respective 19b-4 as soon as practicable, which will streamline and simplify compliance and the costs associated therewith. The Commission finds that waiving the 30-day operative delay in this instance is consistent with the protection of investors and the public interest. The Commission notes that, as represented by the Exchange, if the Funds were not currently listed pursuant to the previous Commission approval orders, they would be eligible for immediate listing pursuant to Exchange Rule 14.11(i)(4)(C). Therefore, the Commission designates the proposal operative upon filing.¹⁶

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BatsBZX-2017-03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BatsBZX-2017-03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use

only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BatsBZX-2017-03 and should be submitted on or before February 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01835 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736

Extension:

Rule 201 and Rule 200(g) of Regulation SHO SEC File No. 270-606, OMB Control No. 3235-0670

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in

Rule 201 (17 CFR 242.201) and Rule 200(g) (17 CFR 242.200(g)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 201 is a short sale-related circuit breaker rule that, if triggered, imposes a restriction on the prices at which securities may be sold short. Rule 200(g) provides that a broker-dealer may mark certain qualifying sell orders "short exempt." The information collected under Rule 201's written policies and procedures requirement applicable to trading centers, the written policies and procedures requirement of the broker-dealer provision of Rule 201(c), the written policies and procedures requirement of the riskless principal provision of Rule 201(d)(6), and the "short exempt" marking requirement of Rule 200(g) enable the Commission and self-regulatory organizations ("SROs") to examine and monitor for compliance with the requirements of Rule 201 and Rule 200(g).

In addition, the information collected under Rule 201's written policies and procedures requirement applicable to trading centers helps ensure that trading centers do not execute or display any impermissibly priced short sale orders, unless an order is marked "short exempt," in accordance with the rule's requirements. Similarly, the information collected under the written policies and procedures requirement of the broker-dealer provision of Rule 201(c) and the riskless principal provision of Rule 201(d)(6) helps to ensure that broker-dealers comply with the requirements of these provisions. The information collected pursuant to the "short exempt" marking requirement of Rule 200(g) also provides an indication to a trading center when it must execute or display a short sale order without regard to whether the short sale order is at a price that is less than or equal to the current national best bid.

It is estimated that SRO and non-SRO respondents registered with the Commission and subject to the collection of information requirements of Rule 201 and Rule 200(g) incur an aggregate annual burden of 2,908,309 hours to comply with the rules and an aggregate annual external cost of \$120,000.

Any records generated in connection with Rule 201's requirements that trading centers and broker-dealers (with respect to the broker-dealer and riskless principal provisions) establish written policies and procedures must be preserved in accordance with, and for the periods specified in, Exchange Act Rules 17a-1 for SRO trading centers and 17a-4(e)(7) for non-SRO trading centers and registered broker-dealers. The

¹⁶ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁷ 17 CFR 200.30-3(a)(12).

amendments to Rule 200(g) and Rule 200(g)(2) do not contain any new record retention requirements. All registered broker-dealers that are subject to the amendments are currently required to retain records in accordance with Rule 17a-4(e)(7) under the Exchange Act.

Compliance with Rule 201 and Rule 200(g) is mandatory. We expect that the information collected pursuant to Rule 201's required policies and procedures for trading centers will be communicated to the members, subscribers, and employees (as applicable) of all trading centers. In addition, the information collected pursuant to Rule 201's required policies and procedures for trading centers will be retained by the trading centers and will be available to the Commission and SRO examiners upon request, but not subject to public availability. The information collected pursuant to Rule 201's broker-dealer provision and the riskless principal exception will be retained by the broker-dealers and will be available to the Commission and SRO examiners upon request, but not subject to public availability. The information collected pursuant to the "short exempt" marking requirements in Rule 200(g) and Rule 200(g)(2) will be submitted to trading centers and will be available to the Commission and SRO examiners upon request. The information collected pursuant to the "short exempt" marking requirement may be publicly available because it may be published, in a form that would not identify individual broker-dealers, by SROs that publish on their Web sites aggregate short selling volume data in each individual equity security for that day and, on a one-month delayed basis, information regarding individual short sale transactions in all exchange-listed equity securities.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site, www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: ShaguftaAhmed@omb.eop.gov; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: [\[sec.gov\]\(http://sec.gov\). Comments must be submitted to OMB within 30 days of this notice.](mailto:PRA_Mailbox@</p>
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Dated: January 17, 2017.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01827 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-79862; File No. SR-NASDAQ-2017-003]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Listing and Trading of the Shares of the Gabelli All Cap NextShares of the Gabelli NextShares Trust

January 23, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 9, 2017, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes a proposed rule change with respect to the Gabelli All Cap NextShares (the "Fund"), a series of Gabelli NextShares Trust (the "Trust").

The proposed rule change is being filed to reflect a proposed revision to the Fund's name and modify its proposed investments (which are set forth in an order previously granted by the Commission³). All capitalized terms referenced but not defined herein have the same meaning as in the Prior Release.

The text of the proposed rule change is available at <http://>

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 34-79082 (October 11, 2016), 81 FR 71549 (October 17, 2016) (SR-NASDAQ-2016-134) (the "Prior Notice"); see also Securities Exchange Act Release No. 34-79377 (November 22, 2016), 81 FR 86056 (November 29, 2016) (SR-NASDAQ-2016-134) (the "Prior Order," and, together with the Prior Notice, the "Prior Release"). Except for the changes discussed herein, all other facts presented and representations made in the Prior Release with respect to the Fund remain unchanged and in full effect.

nasdaq.cchwallstreet.com/, at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The shares of the Fund will be offered by the Trust. The Trust is registered with the Commission as an open-end investment company and has filed a registration statement on Form N-1A ("Registration Statement") with the Commission.⁴ The Fund is a series of the Trust.

The Commission previously approved the listing and trading on the Exchange of the shares of the Fund under Nasdaq Rule 5745, which governs the listing and trading of NextSharesTM on the Exchange.⁵ The shares of the Fund have not commenced trading on the Exchange.

In this proposed rule change, the Exchange proposes to change the Fund's name and modify its proposed investments.⁶ As stated in the Prior Release, the Fund is named Gabelli All Cap NextShares and, under normal market conditions, will invest at least 80% of its net assets plus borrowings for investment purposes in common stocks and preferred stocks of companies of all capitalization ranges that are listed on a recognized securities exchange or similar market. The Fund may also

⁴ See Registration Statement on Form N-1A for the Gabelli NextShares Trust dated November 17, 2016 (File Nos. 333-211881 and 811-23160).

⁵ The Commission approved Nasdaq Rule 5745 in Securities Exchange Act Release No. 34-73562 (November 7, 2014), 79 FR 68309 (November 14, 2014) (SR-NASDAQ-2014-020).

⁶ The changes described herein will be reflected in a revised prospectus and statement of additional information for the Fund to be filed with the Commission. The changes described herein will not be implemented until such proposed rule change is declared operative.

invest in common and preferred securities of foreign issuers.

As proposed, the Fund will be renamed Gabelli Food of All Nations NextShares and, under normal market conditions, will invest at least 80% of its net assets, plus borrowings for investment purposes, in common stocks and preferred stocks of domestic and foreign companies of all capitalization ranges in the food and beverages industries.

Beyond the changes described above, there are no changes to any other information included in the Prior Release; and all other facts presented and representations made in the Prior Release remain true and in effect. The Trust confirms that the Fund will continue to comply with all initial and continued listing requirements under Nasdaq Rule 5745.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5) of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and in general, to protect investors and the public interest. The Fund will continue to comply with all the initial and continued listing requirements under Nasdaq Rule 5745.

The Exchange believes that the proposed rule change to change the Fund's name and to modify its proposed investments does not alter any of the arguments contained in the Prior Release in support of the original approval order that permitted the listing and trading of shares of the Fund and all other representations made in the Prior Release remain unchanged. The Exchange believes this proposed rule change is consistent with the Exchange's efforts to protect investors and the public interest through the disclosure of updated and correct information regarding the Fund.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the

Exchange believes that the introduction of the Fund will promote competition by making available to investors an actively managed investment strategy in a structure that offers the cost and tax efficiencies and shareholder protections of ETFs, while removing the requirement for daily portfolio holdings disclosure to ensure a tight relationship between market trading prices and NAV.

Moreover, the Exchange believes that the proposed method of trading in NextShares will provide investors with transparency of trading costs, and the ability to control trading costs using limit orders, that is not available for conventionally traded ETFs.

These developments could significantly enhance competition to the benefit of the markets and investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) ⁷ of the Act and Rule 19b-4(f)(6) thereunder.⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6).

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2017-003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2017-003. This file number should be included in the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site <http://www.sec.gov/rules/sro.shtml>. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2017-003 and should be submitted on or before February 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-01832 Filed 1-26-17; 8:45 am]

BILLING CODE 8011-01-P

⁹ 17 CFR 200.30-3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9866]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition Determinations: “Turner’s Modern and Ancient Ports: Passages Through Time” Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition “Turner’s Modern and Ancient Ports: Passages through Time,” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Frick Collection, New York, New York, from on or about February 23, 2017, until on or about May 14, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–01913 Filed 1–26–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9864]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: “Past is Present: Revival Jewelry” Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition “Past is Present: Revival Jewelry,” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Museum of Fine Arts, Boston, Boston, Massachusetts, from on or about February 14, 2017, until on or about August 19, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–01847 Filed 1–26–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9838]

60-Day Notice of Proposed Information Collection: Repatriation/Emergency Medical and Dietary Assistance Loan Application

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to March 28, 2017.

ADDRESSES: You may submit comments by any of the following methods:

- **Web:** Persons with access to the Internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering “Docket Number: DOS–2017–0001” in the Search field. Then click the “Comment Now” button and complete the comment form.

- **Email:** RiversDA@state.gov.

- **Regular Mail:** Send written comments to: U.S. Department of State, CA/OCS/PMO, SA–17, 10th Floor, Washington, DC 20036.

- **Fax:** 202–736–9111.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, SA–17, 10th Floor, Washington, DC 20036, who may be reached at RiversDA@state.gov.

SUPPLEMENTARY INFORMATION:

- **Title of Information Collection:** Repatriation/Emergency Medical and Dietary Assistance Loan Application.
- **OMB Control Number:** 1405–0150.
- **Type of Request:** Extension of a currently approved collection.
- **Originating Office:** Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).

- *Form Number:* DS-3072.
- *Respondents:* U.S. Citizens applying for emergency loan assistance.
- *Estimated Number of Respondents:* 1,459.
- *Estimated Number of Responses:* 1,459.
- *Average Time Per Response:* 20 minutes.
- *Total Estimated Burden Time:* 486 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The DS-3072 is an application for an emergency loan for a destitute U.S. citizen and/or eligible family member to return to the United States, or for a loan for a destitute U.S. citizen and/or eligible family member abroad to receive emergency medical and dietary assistance.

Methodology: The Bureau of Consular Affairs will post this form on Department of State Web sites to give respondents the opportunity to complete the form online, or print the form and fill it out manually and submit the form in person or by fax or mail.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizen Services, Department of State.

[FR Doc. 2017-01844 Filed 1-26-17; 8:45 am]

BILLING CODE 4710-06-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 768X)]

CSX Transportation, Inc.— Abandonment Exemption—in Greenbrier and Fayette Counties, W. Va.

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon an approximately 6.0-mile rail line on its Southern Region, Florence Division, Sewell Valley Subdivision, between milepost CAF 21.0 and the end of the track at milepost CAF 27.0 near Rainelle, in Greenbrier and Fayette Counties, W. Va. (the Line).¹ The Line traverses United States Postal Service Zip Code 25962 and includes the Rainelle Jct. station at milepost CAF 21 (FSAC 83044/OPSL 62375). The station will remain open.

CSXT has certified that: (1) No local freight traffic has moved over the Line for at least two years; (2) because the Line is not a through route, no overhead traffic has operated; and, therefore, none needs to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 28, 2017, unless stayed pending

reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 6, 2017.⁴ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 16, 2017, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by February 3, 2017. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by January 27, 2018, and there are no legal or regulatory barriers

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which is currently set at \$1,700. See 49 CFR 1002.2(f)(25).

⁴ In the verified notice, CSXT states that it plans to transfer the Line to the Greenbrier County Commission and the Fayette County Commission and convert the Line to a trail under a notice of interim trail use agreement.

¹ CSXT was authorized to discontinue service over the Line in 2016. *CSX Transp., Inc.—Discontinuance of Serv. Exemption—in Greenbrier & Fayette Cts., W. Va.*, AB 55 (Sub-No. 759X) (STB served April 4, 2016). By letter dated May 6, 2016, CSXT informed the Board that it had consummated the discontinuance of the Line.

to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at "WWW.STB.GOV."

Decided: January 24, 2017.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2017-01856 Filed 1-26-17; 8:45 am]

BILLING CODE 4915-01-P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from Neville Peterson LLP on behalf of Trinity Industries, Inc. (WB17-04-1/18/17) for permission to use certain data from the Board's 2015 Carload Waybill Sample. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245-0319.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2017-01810 Filed 1-26-17; 8:45 am]

BILLING CODE 4915-01-P

TENNESSEE VALLEY AUTHORITY

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: 60-Day notice of submission of information collection approval and request for comments.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995. The Tennessee Valley Authority is soliciting public comments on this renewal of an existing information collection.

ADDRESSES: Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Senior Privacy Program Manager:

Christopher A. Marsalis, Tennessee Valley Authority, 400 W. Summit Hill Dr. (WT 5D), Knoxville, Tennessee 37902-1401; telephone (865) 632-2467 or by email at camarsalis@tva.gov; or to Joy L. Lloyd, Tennessee Valley Authority, 400 W. Summit Hill Dr. (WT 5A), Knoxville, Tennessee 37902-1401; telephone (865) 632-8370 or by email at jllloyd@tva.gov; or to the Agency Clearance Officer: Philip D. Propes, Tennessee Valley Authority, 1101 Market Street (MP 2C), Chattanooga, Tennessee 37402-2801; telephone (423) 751-8593 or email at pdpropes@tva.gov.

DATES: Comments should be sent to the Agency Clearance Officer no later than March 28, 2017.

SUPPLEMENTARY INFORMATION:

Type of Request: Reauthorization, Regular submission.

Title of Information Collection: EnergyRight® Program.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations

Affected: No.

Federal Budget Functional Category

Code: 271.

Estimated Number of Annual Responses: 33,000.

Estimated Total Annual Burden Hours: 10,020.

Estimated Average Burden Hours per Response: .3.

Need for and Use of Information: This information is used by distributors of TVA power to assist in identifying and financing energy improvements for their electrical energy customers.

Philip D. Propes,

Director, Enterprise Information Security and Policy.

[FR Doc. 2017-01818 Filed 1-26-17; 8:45 am]

BILLING CODE 8120-08-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8874-B

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995.

Currently, the IRS is soliciting comments concerning Form 8874-B, Notice of Recapture Event for New Markets Credit.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Martha.R.Brinson@irs.gov.

SUPPLEMENTARY INFORMATION: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

Title: Notice of Recapture Event for New Markets Credit.

OMB Number: 1545-2066.

Form Number: 8874-B

Abstract: CDEs must provide notification to any taxpayer holder of a qualified equity investment (including prior holders) that a recapture event has occurred. This form is used to make the notification as required under Regulations section 1.45D-1(g)(2)(i)(B).

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individual or households, Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 5 hours; 30 minutes.

Estimated Total Annual Burden Hours: 2,755.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 17, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017-01869 Filed 1-26-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning REG-209020-86, Foreign Tax Credit; Notification of Foreign Tax Redeterminations.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the regulations should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Martha.R.Brinson@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Foreign Tax Credit; Notification of Foreign Tax Redeterminations.

OMB Number: 1545-1056.

Regulation Project Number: REG-209020-86.

Abstract: This regulation relates to a taxpayer's obligation under section 905© of the Internal Revenue Code to file notification of a foreign tax redetermination, to make adjustments to a taxpayer's pools of foreign taxes and earnings and profits, and the imposition of the civil penalty for failure to file such notice or report such adjustments.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 13,000.

Estimated Time per Respondent: 4 hrs., 9 mins.

Estimated Total Annual Burden Hours: 54,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017-01873 Filed 1-26-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning final regulations concerning updating of employer identification numbers.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the regulations should be directed to Kerry Dennis at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Kerry.Dennis@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Updating of Employer Identification Numbers.

OMB Number: 1545-2242.

Regulation Project Number: TD 9617.

Abstract: The collection of information in the final regulations is in § 301.6109-1(d)(2)(ii)(A). The collection of this information is necessary to allow the IRS to gather correct application information with respect to persons that have EINs. The respondents are persons that have EINs.

Current Actions: There are no changes being made to this regulation.

Type of Review: Extension of a previously approved collection.

Affected Public: Businesses or other for-profits, and not-for-profits.

Estimated Number of Respondents/Responses: 1,612,708.

Estimated Time per Response: .25 hours.

Estimated Total Annual Burden Hours: 403,177.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 21, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017-01872 Filed 1-26-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2009-72 and Notice 2013-12

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Notice 2009-72 and Notice 2013-12, Qualifying Advanced Energy Project Credit.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at LaNita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Qualifying Advanced Energy Project Credit.

OMB Number: 1545-2151. Notice Numbers: Notice 2009-72 and Notice 2013-12.

Abstract: This notice establishes the qualifying advanced energy project program ("advanced energy program") under § 48C(d) of the Internal Revenue Code and announces an initial allocation round of the qualifying advanced energy project credit ("advanced energy credit") to qualifying advanced energy projects under the advanced energy program. A qualifying advanced energy project re-equips, expands, or establishes a manufacturing facility for the production of certain energy related property. A taxpayer must submit, for each qualifying advanced energy project: (1) An application for recommendation by the DOE ("application for DOE recommendation"), and (2) an application for certification under § 48C(d)(2) by the Service ("application for § 48C certification"). Both applications may be submitted only during the 2-year period beginning on August 14, 2009. Certifications will be issued and credits will be allocated to projects in annual allocation rounds. The initial allocation round will be conducted in 2009-10, and if necessary, additional allocation round in 2010-11.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This notice is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Average Time per Respondent: 110 hrs.

Estimated Total Annual Burden Hours: 110,000 hrs.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 17, 2017.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2017-01874 Filed 1-26-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning TD 8816, Roth IRAs.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Martha.R.Brinson@irs.gov.

SUPPLEMENTARY INFORMATION: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Title: Roth IRAs.

OMB Number: 1545–1616.

Regulation Project Number: TD 8816.

Abstract: This collection of information contains regulations relating to Roth IRAs under section 408A of the Internal Revenue Code (Code). The regulations provide guidance on establishing Roth IRAs, contributions to Roth IRAs, converting amounts to Roth IRAs, recharacterizing IRA contributions, Roth IRA distributions and Roth IRA reporting requirements. The regulations affect individuals establishing Roth IRAs, beneficiaries under Roth IRAs, and trustees, custodians or issuers of Roth IRAs.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: 3,150,000.

Estimated Time per Response: .03 hours.

Estimated Total Annual Burden Hours: 125,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 17, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017–01870 Filed 1–26–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8923

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Currently, the IRS is soliciting comments concerning Form 8923, Mine Rescue Team Training Credit.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Sara.L.Covington@irs.gov.

SUPPLEMENTARY INFORMATION: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Title: Mine Rescue Team Training Credit.

OMB Number: 1545–2067.

Form Number: 8923.

Abstract: Form 8923 carries out the provisions of Code section 45N. 45N was added by section 405 of the Tax Relief and Health Care Act of 2006. The form provides a means for the qualified mining company to compute and claim the credit.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 1 hour; 28 minutes.

Estimated Total Annual Burden Hours: 292.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 17, 2017.

Tuawana Pinkston,
Supervisory Tax Analyst.

[FR Doc. 2017-01866 Filed 1-26-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning an existing final regulation regarding excise taxes on excess benefit transactions.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111

Constitution Avenue NW., Washington, DC 20224, or through the Internet at Sara.L.Covington@irs.gov.

SUPPLEMENTARY INFORMATION: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

Title: Excise Taxes on Excess Benefit Transactions.

OMB Number: 1545-1623.

Regulation Project Number: TD 8978.

Abstract: This regulation relates to the excise taxes on excess benefit transactions under section 4958 of the Internal Revenue Code and affects certain tax-exempt organizations described in Code sections 501(c)(3) and (4). The collection of information entails obtaining and relying on appropriate comparability data and documenting the basis of an organization's determination that compensation is reasonable, or a property transfer (or transfer of the right to use property) a fair market value.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 150,427.

Estimated Time per Respondent: 6 hours, 3 minutes.

Estimated Total Annual Burden Hours: 910,083.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 23, 2017.

Tuawana Pinkston,
IRS Supervisory Tax Analyst.

[FR Doc. 2017-01865 Filed 1-26-17; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2012-41

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2012-41, Extension of Relief and Procedures Under Notice 2010-30 and Notice 2011-16 for Spouses of U.S. Servicemembers Who are Working In or Claiming Residence or Domicile In a U.S. Territory Under the Military Spouses Residency Relief Act.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this notice should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Martha.R.Brinson@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Extension of Relief and Procedures Under Notice 2010–30 and Notice 2011–16 for Spouses of U.S. Servicemembers Who are Working In or Claiming Residence or Domicile In a U.S. Territory Under the Military Spouses Residency Relief Act.

OMB Number: 1545–2169.

Regulation Project Number: Notice 2012–41.

Abstract: This document contains transitional guidance and provides civilian spouses working in a U.S. territory during 2009 but claiming a tax residence in one of the 50 States or the District of Columbia (“U.S. mainland”) under MSRRA with an extension of time through October 15, 2010 for paying the tax due the Internal Revenue Service (“IRS”) for 2009. This notice also provides civilian spouses working on the U.S. mainland during 2009 but claiming a tax residence in a U.S. territory under MSRRA with guidance on filing claims for refund of federal income taxes that their employers withheld and remitted to the IRS or estimated tax payments the taxpayers paid to the IRS during 2009.

Current Actions: There is no change being made to this notice.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 6,200.

Estimated Time per Respondent: 1 Hour.

Estimated Total Annual Burden Hours: 6,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 23, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017–01871 Filed 1–26–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Form 8819**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8819, Dollar Election Under Section 985.

DATES: Written comments should be received on or before March 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Sara.L.Covington@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Dollar Election Under Section 985.

OMB Number: 1545–1189.

Form Number: 8819.

Abstract: Form 8819 is filed by U.S. and foreign businesses to elect the U.S. dollar as their functional currency or as the functional currency of their controlled entities. The IRS uses Form

8819 to determine if the election is properly made.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 6 hours, 26 minutes.

Estimated Total Annual Burden Hours: 3,220.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 17, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017–01875 Filed 1–26–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**Submission for OMB Review; Comment Request**

SUMMARY: The Department of the Treasury will submit the following information collection request to the Office of Management and Budget

(OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before February 27, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.gov and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained by emailing PRA@treasury.gov, calling (202) 622-0934, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION: The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

Fiscal Service (FS)

OMB Control Number: 1530-0008.

Type of Review: Revision of a currently approved collection.

Title: Annual Financial Statements of Surety Companies—Schedule F.

Form: FS Form 6314.

Abstract: The Schedule F provides a listing of Treasury authorized and unauthorized reinsurers for purposes of determining an amount of unauthorized ceded reinsurance that may be offset against a company's net worth in determining the company's treasury underwriting limitations. The collection is to assure that a currently certified company is solvent and able to carry out its contracts.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 6,724.

Dated: January 24, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017-01879 Filed 1-26-17; 8:45 am]

BILLING CODE 4810-AS-P

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